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Correspondence concerning contributions to the REVIEW should be addressed to Harvey C. Mansfield, 100 University Hall, Ohio State University, Columbus 10, Ohio; *books intended for review,* to Avery Leiserson, Vanderbilt University, Nashville, Tennessee; *News and Notes items,* to Ralph A. Straetz, Department of Political Science, New York University, University Heights, New York 53, New York; *advertising correspondence,* to the Executive Director at the Washington office.

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WHAT AUTHORITY IS *NOT*

SEBASTIAN DE GRAZIA
The Twentieth Century Fund

Authority is a subject indispensable to politics. No other word carries its basic sense of legitimate power, power exercised over those who have willed its exercise. Cut off from the vocabulary of political theorists it comes back in other guises. Playing hide-and-seek with words would not in itself be so important were it not that it takes time merely to recognize that a game is being played and to realign the new words, each bearing a fraction of the old meaning, into the framework of facts and ideas with which the original concept was associated. It can be urged, on the positive side, that a re-shuffling of words, breaking them up and giving them slightly different connotations, might stir up not only clouds of dust but also some original thinking. This has not happened with the principle of authority. Rather it has been forgotten and is now remembered. The interval has seen little gain. Perhaps "power" has profited in attention, but at the expense of being confused with authority and thus of giving new life to the Thrasymachian conception of politics and its study. Instead, the subject matter of the political scientist is earthly authority and its relation to the divine.

For this reason I should like to point to some ten durable misunderstandings about the nature of authority.

I. THAT THE POWER OF AUTHORITY IS A MYSTERY

Authority is power over people based on the esteem or respect of those people. It is easy to understand that people defer to those whom they respect. In newly formed small groups, like voluntary associations with limited ends, for example, the accrual of esteem by those who become leaders can be clearly observed. What may be harder to grasp is the reasons for which they are esteemed. Much of the difficulty lies, perhaps, in that we ourselves may not all agree with these reasons; or, in that esteem or respect, being interior to the person, has no weight, odor, taste, or color that can be measured. But the way authority works is not mysterious. The use of a word like charisma in characterizing it is misleading. If people respect someone for something, they are more likely to follow his counsel in the area encompassed by that something than follow the counsel of someone else whom they do not so esteem.

II. THAT AUTHORITY IS UNDEMOCRATIC

Since authority in its grant and exercise involves more than one person, a group is implicated, be it the *polis* or the tribe. Its members hold certain purposes in common. They grant authority to whomever they esteem for being able to guide them to these ends. The holder of authority thus is bound by common goals and by his desire and capacity to move toward them.

It might seem that authority in this light has actually, even necessarily, a democratic cast. Authority, however, can be granted in either a democratic or undemocratic way. If people believe that the only way they can find a man with the necessary capacity and dedication to the common good is by popularly electing him, a leader arrived at in no other way has authority for them. If they feel that only in a hereditary succession is such a man found, authority will repose in lineal kings. You can have *Lex est quod populus jubet atque constituit,* or *Quod principi placuit, legis habet vigorem,* to which you can add, *cum lege regia quae de imperio ejus lata est, populus ei et in eum omne suum imperium et potestatem concessit.* In all cases, without respect for a dedication and a capacity related to the common good, authority does not exist. Those who dominate without such esteem may have power, may often have obedience, but authority they have not. They are not rulers; they are tyrants, those who cannot lay down a rule.

All this is true by definition, and must be said and re-said only lest we go on confusing authority and power. The two are related of course—authority is rightful power—but they are not the same. As long as we confuse them we shall not see their proper relation. Nor shall we see authority's relation to other political ideas like legitimacy or the right to rule.

Since authority is a communal matter, whenever it is studied in the *polis,* nation or tribe, it involves the public, the members of the political community. The respect involved is the respect of the public, and the holder of authority is *auctor rei publicae.* Those who study how the beliefs are formed on which authority is based have many methodological difficulties facing them. Man is not a discrete entity living in a vacuum. A world passes through his pores. As it does, it affects his beliefs. Yet there is no moment at which he has not already been influenced by the community. The world as he sees it and wants it is largely shaped by how the gatekeepers know and have known it. Not *the* world but *a* world passes through him. This world is part of the real world but how much of the real world remains unseen is not known.[1]

The difficulty already mentioned, of seeing or touching people's beliefs and ideas, should not turn us away from their study. Nor need such study be labelled psychological. If philosophers deal with ideas, as it is said they do, are they therefore psychologists? A political philosopher or historian who treats of the ideas or beliefs or reasoning of people is not a psychological philosopher or a psychological historian. If Hume says, "It is on opinion that governments are founded," or Russell, "Law is impotent unless it is generally respected," they are not for that psychologists. In speaking of ideas or beliefs or reasoning one refers to certain events usually considered to be interior to the person. The political scientist—never having been persuaded by the behaviorists—has never denied the existence of such events. Ironically, then, only when he denies the minds of men does he become a psychologist, but—in fairness to psychologists—he becomes only a particular brand of psychologist. For a good part of his life the political scientist has dealt not only with rulers but also with the ruled. Somewhere or other, his generalizations must cross through the minds of men.

Politics takes knowledge not only from familiar or well-marked bins but from wherever it can be found. It need not be esoteric. So the conception of authority used here is one that differs not from common usage. Nor does it violate traditional usage in political science, jurisprudence, or theology. Neither does it violate but rather profits from etymology. Webster: authority—legal or rightful power, a right to command or act, power exercised by a person in virtue of his office or trust, power derived from opinion, respect or esteem. Richard Hooker, *Laws of Ecclesiastical Polity:* By a man's authority we here understand the force which his word hath for the assurance of another's mind that buildeth upon it. Cicero, *De Legibus: potestas in populo, auctoritas in senatu sit.* Etymologically, in brief: *auctoritas*—the position of one who must be heard if action is to be taken with success.[2]

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[1] For authority and perception and their bearing on fact and value see my "Authority and Rationality," *Philosophy* (London), Vol. 26 (1952).

[2] Henry Nettleship, *Contributions to Latin Lexicography (1889): auctōrĭtās*—(II. auctor), properly the position of an *auctor.* II. *auctor:* probably from a lost verb *augĕre,* the base of which is identical with that of εὔχομαι and αὐχάω (see s.v. *augur*); so "one who tells or declares." 1. One who gives his sanction to a thing, approves of it, advises the doing of it. For example in Plautus Pseudolus, *quid nunc mihi's auctor, Simo?* (what do you advise me to do?) or in Cicero, *auctor nostrae coniunctionis* (advises us to hold together) or often in Caesar, *auctor novorum, consiliorum, armorum, belli;* and in Sallustius,

III. THAT AUTHORITY CONSISTS OF ITS TRAPPINGS

Related to the notion that authority is undemocratic is the image of authority as a man in uniform barking commands in Teutonic consonants, the ermined monarch on his majestic throne, the awesome mask of the medicine man, the cosmic dome of the temple priest, the robes of the judge, the bowing subjects with whom oriental potentates border their crimson carpets. There are gods for the high and gods for the low. There is authority for the stupid and for the intelligent, for the rich and for the poor, for the noble and the democrat. Some mistake the trappings for the authority. "There thou mightst behold the great image of authority: a dog's obeyed in office."

Authority has to be granted and, once granted, has to be recognizable, or else, in each exercise of power, go through the necessity of identifying itself again. The signs of authority are not the authority itself but its trappings or, less slightingly, the ways it can be fittingly identified. They are ways too of reminding the wearer of the terms on which he wears them. The color of trappings depends on many symbolic, historical factors and has some relation also to the source of authority as it is conceived. But it is not authority itself and need not be purple.

IV. THAT THE LANGUAGE OF AUTHORITY IS DESPOTIC

Related to the idea of authority as undemocratic, too, is the notion that its language is made up of imperative forms of the verb. The ob-

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Vergilius, and all Latin. *Augur*—abbreviated A or AV on coins: C.I.L. I. 479 (about 54 B.C.) 1. One who foretells or prophesies; in its oldest use probably of the official prophets of the Roman people. A. Ernout and A. Meillet, *Dictionaire etymologique de la Langue Latine* (3d ed., 1951): *auctōritās*—fait d'être *auctor*, avec tous les sens du mot. *Auctor*—sens premier "celui qui fait croître, ou qui fait pousser." En dehors de ce sens, le mot semble avoir appartenu dès la période italique comme aux langues de la religion et du droit. L'ombrien a la forme *uhtur* "auctor," titre d'un magistrat des fratres *Atiedii* analogue au χορυφαῖος grec; on peut rapprocher l'emploi, dans la langue officielle latine, de *auctor* "qui in senatu primus sententiam dicit," *e.g.*, Cic., Pis. 35, *senatus decreuit Cn. Pompeio auctore et eius sententiae principe.* Celt.: irl. *auctor*, gall. *awdur*, *awdurdod. Augeō, augere*—emploi transitif et absolu (comme *αὔξω*, *αὐξάνω* 1° faire croître; accroître; augmenter; amplifier; 2° s'accroître. —Ancien, usuel. Ce sens général de "[s]'accroître" apparaît dans un grand nombre de dérivés. D'autres, au contraire, en passant dans les langues techniques, ont pris des sens spéciaux tels que la parenté avec *augeō* n'est souvent plus sensible. Tels sont *augur*, *auctor*, *auctōritās*, *auctōrō*, *auctiō*, et *auxilia*. *Augur*, *-uris* m.: augure (prêtre) est un ancien nom du type *fulgur/fulguris* ou *fulgeris*. Le dérivé *augustus* atteste, à côté du thème en -r, l'existence d'un thème en -s **augus-*. Le sens du mot devait être à l'origine "accroissement accordé par les dieux à une enterprise," d'ou "présage favorable," ou, s'il s'agit d'un ancien masculin, "celui qui donne les présages favorables." La rapport entre *augeō*, *auctōritās* et *augur* apparâit dans cette phrase de Cicéron, de har. resp. 18, *rerum bene gerendarum auctoritates augurio . . . contineri.* Ainsi donc *augur* désigne celui qui donne les présages assurant l'accroissement d'une enterprise.

server thus sensitized will easily catch the words of Baron von Hugel's confessor, "Down on your knees!" What he will not see, perhaps, is that in a situation of authority the imperative verb forms or terms like "ought," "should" and "must" do not make adequate criteria. Etiquettes of respect and styles of direction vary from hamlet to hamlet and class to class. The Javanese squat to show respect; Americans stand. In America where a long tradition of revolt exists against European forms of respectful address, a style of intimacy has grown up which is often taken to demonstrate that authority is non-existent. But the old forms have gone underground, appearing in nuances of tone and gesture, while authority as well as power yet remains. Ruling involves a rhetoric of authority that curbs understatement and excess alike. After the revolt in 1848 Ferdinand II of Naples in a triumphal return made a state visit to Messina. While his open coach was passing by, a Sicilian nobleman jumped on the footboard and shouted, "Long live our glorious and beloved sovereign, Ferdinand the Second, the hero of the Two Sicilies!" Ferdinand in tones hardly less audible broke in, "Shut up, you fool!" Upon which a member of the King's escort, Castrone by name, leaned over to the Sicilian and said, "You see. Now you've been made fool by royal decree."

Whether authority directs politely or crudely, verbally or by a paradigm, the direction is there. Words can be sweetly placed and modestly directed, and the course all the more willingly followed for that.[3]

V. THAT THE EXISTENCE OR GRANTING OF AUTHORITY, OR OBEDIENCE TO AUTHORITY, IS IRRATIONAL

In a common life one obeys those whom one respects for ability in and dedication to the attaining of common purposes. Is it irrational to grant authority to such persons? Is it irrational to be joined together in a common enterprise and to entrust its leadership to those held most capable and trustworthy? If these are irrational, then men are irrational, for from birth and perhaps before, and up to death and perhaps after, they find themselves engaged to authority. Once again, it is possible to say that one respects the wrong persons and therefore it is wrong to grant them the authority to be leaders in a common life. But this is saying that the choice of authority is incorrect, not that its existence is irrational. If men have purposes in common which they must attain in common, then their having, granting and obeying authority is not an irrational way to pursue their ends.

In history one finds that men have been variously thought virtuous if they were brave, courageous and manly, or prudent, or just, wise or ambitious or pious or humble or rich or skeptical. If they chose one or another of these paths, was it because it was settled scientifically? Was it because incontrovertible facts and figures were collected? Could they choose now on such bases? Can they ever? In the middle of the eighteenth century, it might be recalled, the final form of government to which the long process of trial, error and evolution had led was believed to be absolute monarchy. The highest ideals, for example, of democracy, as well as the most routine habits, for example, of etiquette, are accepted and adopted not because a man's equal told him they were the right ideals and habits, nor because these have been scientifically proved, but because man loved and trusted someone whom he felt knew more about right and wrong and with whom he felt his best interests were uppermost.

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[3] A fuller discussion of the language and trappings of authority can be found in my *Errors of Psychotherapy* (New York, 1952).

VI. THAT THE BEARERS OF AUTHORITY ARE ONLY LIVING PERSONS

"As soon as the problem of authority really lifts its head," wrote P. T. Forsyth, "all others fall to the rear." Authority is the deference in which persons of believed great capacity and moral knowledge are held. These persons may be dead or invisible. The man who denies the need for authority, mortal or immortal, is no more rational or independent than the one who recognizes it.

The man who is master of his passions is a slave to early authority. He has his heroes. They have been with him from boyhood, long and forcefully. So well have they, these elders, become part of him that he needs no more to conjure up their shape or voice. Their praise and blame remain as guide-lights for his path. He is therefore a good or bad man only in so far as the morality that was given his conscience was good or bad. The psychopath, for example, is master of his passions; unfortunately all those who guided and molded and channeled his passions worked to produce evil. The individualist or the self-legislator, the one who comes in for much praise from those who are on his side at the time, the one who sees the good way and follows without hesitation, he too is master of his passions. He is often one who is most skeptical and calculating about current authority; he is often one who says, "Do we really need to follow leaders? After all, we know they are only men and all men have clay feet." Yet he is also the one who possesses internal rulers stronger than the living rulers of his country. For him all men have clay feet, certainly, except those who set his course early in life and whom he now unknowingly obeys before all others. The Puritan, whose attitude toward all mortal authority was rebellious, paid obedience every day of his life to his internal masters of conscience. Cut open the man of character and principle and you will find inside him, like little statues, the good models—both human and divine—that he faithfully follows.

The decree of Papal Infallibility of 1870 had its effect, but indirectly, in a way the Pope never dreamed of. In their reaction Protestant theologians cut the ground from under themselves. To combat the Roman Church's claim to authority by apostolic descent, they renewed and re-emphasized the importance of conscience and individual moral judgment, but in so doing tried to separate the two from authority. This they accomplished by confronting the internal judgment of conscience and morality with the so-called external judgment of established authority. A distinguished line of Protestant writers from 1870 on set the pace for an idea that entered easily into the "state of good nature" ideology, and that endures today in educational, psychological, and political thought. The idea, which appears fresh in recent books with their dichotomies of conformity versus spontaneity and inner- versus other-directed men, began in 1872 with the *magnum opus* of James Martineau, *Seal of Authority in Religion.* The train of works passes then through A. Sabatier, *Religions of Authority and the Religion of the Spirit* (1904); J. Oman, *Vision and Authority* (1902); T. B. Strong, *Authority in the Church* (1903); J. M. Sterret, *Freedom of Authority* (1905); and culminates in 1912 in Forsyth's *Principle of Authority.* The point where all these works necessarily fail is at Forsyth's question: Agreed that the seat of authority is the conscience, but what is the nature of conscience? Neither Oman nor Forsyth nor J. N. Figgis, *Fellowship of the Mystery* (1914), whose works come closest to the correct answer, had the evidence that can be given today. The answer is that the call of conscience, too, is a product of the continuous creative stream of authority with which man welds a community of himself and his fellows. The distinction between the commands of conscience and those of external authority is solely a point in time. All authority was once external. Nothing to which the name "man" can be given has ever been found living outside a community of men. External authority, to be embedded in conscience, was once internal to other, earlier men. And that conscience, that internal authority, is never exclusively internal, but remains reachable and grants all the force of its early nature to the new authorities who evoke its love and trust. Forsyth grasped something of this when he counseled Protestants "to a daily, practical, unashamed recognition" of authority.

VII. THAT AUTHORITY IS RESTRICTIVE

The linking of conscience to authority may be somewhat perplexing. In light of the uniquely individual way the word conscience has been employed in modern times, this confusion is understandable. Yet, that the role played by authoritative figures in the formation of conscience is determinant, was well known to those who made the greatest study of political education, the ancient Greeks.

Freedom means something only in connection with a *desideratum.* Some of our *desiderata* are ordered as means to further ends, others are irreducible. Whenever traced, their ramifications lead back to authority, to the teachings of conscience, to the goals of community. One can make a distinction between the directives of early authority and later authority, and say that conscience incorporates the teachings of early authority. One can say that later authority cannot conflict with the irreducibles of conscience. One can say also that in order to adjust to changing situations there must be a sphere of moral action that can be modified by later authority. But one cannot say that conscience exists in man-in-a-state-of-nature, nor that it develops in any way except through authority. When Socrates heard a voice murmur in his ear, "Listen, Socrates, to us who have brought you up," when he listened and obeyed, he affirmed the political covenant for the last time.

Since authority, then, is responsible for the setting up of values, it follows that authority is a necessary condition of freedom, for freedom apart from values or goals or morals makes no sense. By observing man grow into the citizen we learn that authority is a creative, a cultivating force. Far from being merely restrictive, it forms his character, upholds the things worth loving, and teaches him to see.

VIII. THAT AUTHORITY IS COERCIVE

Related to the idea that authority is restrictive is the one that it is obtained and exercised largely through force or fraud. Generally this view is taken by those who are opposed to the particular authority they are studying. Their conception of authority usually singles out for emphasis what the holder of authority did, or does, to get it. As a result the stress is on the calculated and manipulative side that recent studies of elites have taken to painting: to get and hold authority the elite coerces and manipulates the people. This can be true of course, although it is less common than such studies would have us assume. Machiavelli was not so devoted to this view that he neglected to observe that "princes should remember that they begin to lose their state from the moment when they begin to disregard the laws and ancient customs under which the people have lived contented." If one starts off with the idea that the holders of authority should not hold it, one more than likely feels their rule as restraint, whereas those who do not start thus feel it as pointing to the right things to do. Second, the one who begins his analysis with such an idea is likely to see any coercion as unnecessary and any restate-ment of beliefs or promulgation of new objectives as fraudulence. Third, such a student often forgets that the holder of authority and those who are with him all make one community. Authority cannot pull out. It has nowhere else to go. Unless the authorities are mad, having lost the *sensus communis* for a *sensus privatus*, as Kant would put it, they cannot will the destruction of the community.

In the exercise of authority, the use of force can be justified only by the common good and only against those who appear to threaten it, internally as in police action or externally as in war. If it is an authoritative use of force, it can only be a use that the grantors of authority desire.

In the obtaining of authority, the use of force will make authority impossible to achieve, if force is detested by the public. If force is esteemed, then it can lead to authority. Political authority will be extended to the wise if the community believes the things wise men are wise in are the attainment, preservation and furtherance of all it cherishes most. When people believe that the handling and disposition of military forces are vitally important, the authority of generals will be greater than that of mandarins. Authority itself is not force or coercion. It is a power that wants using, that is granted in order to be used, that has the support of those for whom it is used.

Nor does the word authority refer to the presence of a central power strong enough to maintain order, thereby allowing some persons or even a majority to pursue their ends. It does not have a Hobbesian meaning whereby without order there is the war of all against all, and therefore no freedom. It is more basic than an external form of order. The principle of authority would hold that though there were perfect peace in the world men would not know how to act in it. It would hold that there is no freedom unless there is an internal order to the mind. Order in the state without does not directly provide order in the state within. Indeed, if a group that is believed to be unjust, namely, not exclusively devoted to the common welfare, succeeds in providing order, it may produce such despair in the minds of the people that their political community dies. This has happened in cases where order was given to a state by its conquerors. A world of power without justice is an orphan's home. In the conventional sense, order exists but it may not be the order of the authority that the community accepts. While it is the task of authority to provide order, in the sense of imparting a purposive or teleological structure to the world, an order in the more limited sense, a sort of police order, can be provided by persons who are not authorities. Authority and order are not the same.[4] *Ubi solitudinem faciunt, pacem appellant.*

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[4] The relation of authority to the political covenant and to order is treated in Sebastian de Grazia, "The Principle of Authority in Its Relation to Freedom," *Educational Forum*, Vol. 15 (1951).

The chieftain of the Britons, Calgacus, according to Tacitus, voiced this opinion of the *Pax Romana.*

IX. THAT AUTHORITY EXISTS ONLY IN THE REALM OF GOVERNMENT

In 1849 Sir George Cornewall Lewis' *The Influence of Authority in Matters of Opinion* was published. It was a notable attempt to show the authoritative influence of many kinds of persons and walks of life, among them universities, teachers, judges, witnesses, the elderly, deliberative bodies, the press, churches, crowds, and the ancients. The book has not attracted much notice in political science. Yet wherever there are groups, large or small, important or insignificant, lasting or ephemeral, there is authority, large, small, important, insignificant, lasting or ephemeral. Of late there has been some interest in the social sciences in empirical studies of groups. They have not yet discovered, though at times they seem on the verge of it, that authority plays a role in each group, that the conduct found therein is not all due to the group itself but also fits into the larger community to which the members belong, that the small common good for which they associate and have their small authorities, is but part of the great common good and authority to which they pledge allegiance. These studies have yet to be set in the fabric of authoritative communication that envelops us at birth and clothes us throughout life.

Man is taken out of a state of nature by a set of understandings or by a covenant with an already existing authority. Accepting this authority gains him admittance to life within a community, first within the family, later within the great community. In the development of a new man's character the formative forces are figures of authority. From one authority he learns to question another, or his own, or the very one he learns from, but in the questioning there lies all the time a teaching of authority. How little this pervasiveness is recognized today can be seen in the fate of the word "culture." Originally culture meant the same thing as it does in the word agriculture: the practice of cultivating. Applied to men, it meant the practice of cultivating character. It is authority that teaches, that cultivates character, that serves as the instrument of culture.

X. THAT AUTHORITY CLAIMS TO BE INFALLIBLE

One reason why political and moral authority is sometimes regarded as irrational is that its holders must often venture beyond what is surely known. The holders of political and moral authority have to deal with problems of the greatest magnitude. For this reason the limits of knowledge may fall far short of the certainty that characterizes many unimportant things. Yet at times a decision must be made. Furthermore it must often be one that binds the community. To protest that this is irrational—if it is not saying, "I know better than the so-called authorities"—is in effect lamenting that men are not omniscient. What it is believed authority can accomplish varies from one land to the next. We sometimes laugh at what others believe their authorities can do, not realizing that our own beliefs may also be laughable. Yet whatever it is we hold authority to, if it fails, out it goes.

Mortal authority is not infallible. For it to declare itself such is dangerous to its own existence, and this is generally well understood by those who hold authority. Nonetheless a declaration of infallibility, or something near it, is sometimes made by those who claim authority. Much depends on the particular language and style of authority that the community has been used to, and on the particular exigencies of the times. Here it is enough to be reminded that mortals do not know everything and cannot do everything. Mortals cannot choose but err. Mortals cannot choose but move. Therefore they choose those whom they believe will err least on the journey on which they are moving together. Men are not yet gods, the world is not yet at rest.

THE FRENCH CONSTITUTION OF 1958:

I. THE FINAL TEXT AND ITS PROSPECTS

Stanley H. Hoffmann
Harvard University

The crucial feature of the period 1946–1958 in France, in many respects, has been the contrast between the changes which have occurred in French society and the performance of a political system which seemed to repeat and to magnify the vices of the Third Republic's last years. On the one hand, the image of a static France obstinately clinging to protectionism, to a pastoral or artisanal ideal, to the security afforded by restrictive practices and state favors, was becoming obsolete.[1] On the other hand, the political system appeared unable either to deal with the tensions, economic growth and change created in society, or to define a coherent policy for overseas affairs.[2]

The purpose of the Constitution of the Fifth Republic is to create effective government authority in France and to establish between France and her former colonies of Africa a system of new, post-colonial relations. This article will try to analyze the provisions of the document in order to show the ways in which the drafters of the text have tried to reach their double objective. On the basis of this analysis and of a brief discussion of the assets and liabilities which the political context brings to the constitutional experiment, I will attempt to indicate the various possible lines of development of France's new institutions. Whether one looks at the text alone, or at the political situation in which it will have to function, one cannot avoid being struck by the vast amount of ambiguity which surrounds the beginnings of the Fifth Republic. The main purpose of this essay is to show where this ambiguity lies.

I

Critics of the Fourth Republic, including many of the régime's political leaders, were agreed on the need to strengthen the executive. But many kinds of reform were conceivable. The Constitution of 1958 tries to reach the common purpose in a way which is neither as mild as the proposals made by the last governments of the Fourth Republic, nor as drastic as the suggestions put forth by some of France's leading political scientists. The proposals of Premiers Gaillard and Pflimlin were not designed to change radically the pattern of power of the regime. Cabinets would have continued to be the creatures of the National Assembly; parliamentary procedure would have remained practically unchanged. The only problem to which these proposals were addressed was cabinet instability: reform of the process of cabinet overthrow accompanied by a minor change in the provision on dissolution was at the heart of them.[3] On the other hand the suggestions of Professors Vedel and Duverger would have transformed the very nature of the executive.[4] Instead of being a reflection of the Assembly, it would have become an autonomous power whose head was to be elected directly by the people. Both men had come to the conclusion that an effective parliamentary system could not work in France and that only a presidential regime could provide the strong executive everyone was looking for. The problem was not just to give cabinets more time: instability was merely part of their weakness; much more fundamental was the lack of authority, the narrowness of the "margin of possible actions"[5] which was bound to afflict any cabinet which owed its existence and its composition to a hopelessly divided Parliament.

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[1] See John Sawyer, "France's New Horizon," *Yale Review*, Winter 1959, pp. 161–173.

[2] See Raymond Aron, "The Fifth Republic," *Encounter*, December 1958, pp. 11–17.

M. Debré agreed with this last point. "We must seek and organize Power outside of Parliament."[6] Nevertheless the authors of the new Constitution never considered a presidential system: the very divisions of public opinion which account for the paralysis of parliamentary government in France seemed to make a presidential system too risky an enterprise. Not only would a presidential system have broken with the Republican tradition which, as Debré puts it, supposes a Parliament endowed "with political powers, and not merely with legislative and budgetary, *i.e.*, subordinate powers."[7] But there was no certainty that in a nation politically and socially as heterogeneous as France election of the Chief Executive by the people would have forced existing parties to merge so as to create the two "electoral cartels" without which the regime could not work effectively. If such a reduction in the number of players did not take place, the authority of a Chief Executive elected on the second ballot, either by a relative majority or by an absolute majority artificially created by last-minute deals among parties, would have been badly damaged.[8] Furthermore Debré believes that a presidential system requires a general consensus of all the major political forces on the rules of the game. As long as the Communist Party which "adopts an attitude of revolt toward national sovereignty" continues to remain the strongest party of the left, a system which might play into Communist hands by bringing about a Popular Front coalition for the election of the Chief Executive is ruled out.[9]

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[3] On these proposals see: "La revision constitutionnelle devant le Parlement," *Revue du Droit Public*, Jan.–Feb. 1958, pp. 81–91, and Georges Berlia, "La crise constitutionnelle de mai-juin 1958", *Revue du Droit Public*, Sept.–Oct. 1958, pp. 918–929.

[4] See Georges Vedel's report to the Comité d'Etudes pour la République: "L'instabilité gouvernementale," published as a supplement to *Revue Banque et Bourse*, No. 130 (May 1956), and Maurice Duverger's articles in *Le Monde*, April 12–13, May 6, May 13, June 12, 1956. Both schemes are discussed by François Goguel, "Vers une nouvelle orientation de la réforme constitutionnelle," *Revue Française de Science Politique*, Vol. 6, No. 3 (July–Sept. 1956), pp. 493–507.

[5] Raymond Aron, "Electeurs, partis et élus," *Revue Française de Science Politique*, Vol. 5, No. 2 (April–June 1955), pp. 245–266, at p. 264.

[6] *Ces princes qui nous gouvernent* (Paris, 1957), p. 173.

[7] *La nouvelle constitution* (Tours, 1958), p. 3.

[8] For a similar argument, see Paul Coste-Floret's parliamentary report (Assemblée Nationale, session ordinaire de 1956–1957, annexe au procès verbal de la Séance du 26 mars 1957), No. 4663, pp. 1–5.

However, as Debré has also written, "as soon as one moves away from a Presidential system, one runs into trouble."[10] The new Constitution does not try to avoid "trouble" by creating a dictatorship; it recognizes the right of political parties and groups to be formed and to carry on their activities freely, and there is a special section on the judiciary which affirms the independence of the judiciary and its duty to protect the individual against arbitrary detention. On the contrary, what the Constitution seeks is to create an Executive both strong and lasting without breaking completely with the past. This appears like an effort at squaring the circle.

The constitutional provisions flow from three assumptions which are central to Gaullist thought. There is the optimistic postulate according to which the nation, underneath all its divisions, still possesses a dormant general will, which the "system" of the Third and Fourth Republics had left unrepresented but which could be aroused by a dynamic and stable Executive.[11] There is the pessimistic idea that the divisions of the electorate are nevertheless here to stay, that no constitutional gadgetry could erase them and that consequently the Executive will be strong only if it is preserved from excessive dependence on an electorate and a Parliament which remain unable to produce a coherent majority. Finally, next to the optimistic act of faith and the pessimistic lesson of history, there is a bow to the Republican tradition: even though Parliament is likely to remain the forum of France's tensions, even though the Executive must cease being a hostage of Parliament, the political responsibility of the cabinet to Parliament must be maintained.[12]

The theoretical implications of these postulates are hard to reconcile. The assumption of a general will leads to a presidential system, which the pessimistic deduction from history rules out. This same pessimistic postulate in turn seems to exclude the possibility of a parliamentary regime, which the third assumption preserves. The provisions of the Constitution nevertheless try to organize the coexistence of these basic ideas. On the one hand, the new set of relations between the cabinet and Parliament aims at establishing a synthesis between the second and third ideas; on the other hand, the articles dealing with the Chief of State attempt to reconcile the drastically reformed parliamentary regime which emerges from this synthesis, with the first assumption. These two processes will now be examined in that order.[13]

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[9] *La nouvelle constitution*, p. 4. See also Debré's April 1944 analysis of "the French constitutional problem" in B. Mirkine-Guetzévitch et H. Michel, *Les idées politiques et sociales de la Résistance* (Paris, 1954), pp. 207 ff.

[10] *La République et son pouvoir* (Paris, 1950), p. 93.

[11] This is the key theme of Debré's *Ces princes qui nous gouvernent;* see also General de Gaulle's speeches in *La France sera la France* (Paris, 1951), especially pp. 51–60.

[12] In an interview to *Le Monde*, August 8, 1958, Debré stressed this point and contrasted the constitutional draft with the suggestions put forward by certain political leaders of the Fourth Republic, which would have guaranteed the cabinets a certain time span during which they could not have been overthrown.

[13] It is important to remember that in the Constitution itself the order of chapters is quite the reverse: the President of the Republic is dealt with in ch. 2, the cabinet in ch. 3, Parliament in ch. 4 only. For translations of the new Constitution, see either the

What Debré has called a "true" parliamentary system—"the first perhaps in many generations"[14]—amounts to organizing the relations between the cabinet and Parliament as they exist in England, even though the crucial British ingredient which produced the British cabinet's superiority—the exercise of power by a party which holds a working majority—is missing in France. England has no problem of executive-legislative relations as such: there is a problem of relations between the party in power and the opposition, which is solved thanks to the rights enjoyed by the opposition in Parliament; and there is a problem which is internal to the majority party, *i.e.*, supervision of the acts of the cabinet by those party members who are in Parliament. In France, on the contrary, the basic problem in establishing a parliamentary regime remains the problem of the respective powers of the two branches.[15]

Parliament continues to have both legislative powers and political powers, to use Debré's distinction. But whereas under the Fourth Republic the Constitution and the Standing Orders of the two Houses combined to force the cabinet into political subservience to the National Assembly, and to reduce the cabinet's role in the legislative process to that of an unwelcome solicitor, the new Constitution sharply curtails the political powers of the National Assembly and gives the cabinet a commanding role in the legislative process. To start with the political area, the new note is given by Art. 20: the cabinet "determines and directs" the policy of the nation. In one respect, the Constitution brings no great change: under Art. 49, par. 1, the Prime Minister can, as in the past, stake his cabinet's life in the National Assembly on his programme or on a general statement of policy. Debré has indicated before the Assembly that this provision means in particular the continuation of the "investiture" procedure which both previous Republics had known:[16] a new cabinet will seek approval by the Assembly and resign if it fails to win a majority.[17] But in four vital respects the political hold of the Assembly on the cabinet has been weakened. In the first place, under Art. 23, the function of a cabinet member is incompatible with the exercise of any parliamentary mandate: any member of Parliament who becomes a minister must consequently abandon his seat within one month after he has been appointed—and he cannot vote during this month. Henceforth, each candidate for Parliament must have his *suppléant*, who is elected with him and who will take his seat if the man he is scheduled to replace becomes a minister.[18] The objective of this measure is to make the overthrow of cabinets less appealing. A fallen minister does not recover his seat in

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text published by the French Embassy's information service in New York or the text published by Blackwells and written by Peter Campbell and Brian Chapman.

[14] *Journal Officiel*, Débats Parlementaires, Assemblée Nationale, Année 1958–9, p. 77.

[15] On this distinction see Georges Vedel, "Les rapports du Législatif et de l'Exécutif," *Revue Française de Science Politique*, Vol. 8, No. 4 (Dec. 1958), pp. 757–781.

[16] *Journal Officiel, loc. cit.*, pp. 77–8.

[17] It must be assumed that a cabinet which obtains a plurality although not an absolute majority of the members of the Assembly will be considered to have been approved, as under the 1954 revision of the 1946 Constitution.

[18] In addition to Art. 23 of the Constitution, see Ordonnance No. 58-1099 of Nov. 17, 1958 (*Journal Officiel*, Nov. 18, 1958, p. 10334) and Ordonnance No. 58-1065 of Nov. 7, 1958 (*Ibid.*, Nov. 9, 1958, p. 10128). If the *suppléant* resigns, a by-election must take place.

Parliament; the attractiveness of the highly sought-after title of "ancien ministre" should wane, since the "ancien ministre" will be a "nouveau chômeur"—unemployed.[19]

Secondly, the conditions in which cabinets can be overthrown by the National Assembly are completely transformed. Under the Fourth Republic, the cabinet was almost constantly on the defensive: the mechanism of "questions of confidence," instead of remaining exceptional, had become an indispensable method of government.[20] When the cabinet wanted a law passed in spite of parliamentary obstruction, or when an interpellation challenged cabinet policy on an important point, the cabinet had to ask for a vote of confidence in order to remove the obstacle, or to survive; in other words, the Assembly time and again obliged the Executive to put its life at stake. Under the new provisions of Art. 49, the reverse should now obtain; the initiative for the cabinet's fall will have to come from the Assembly itself. Except in the case of Art. 49, par. 1, already mentioned, the overthrow of the cabinet must stem not from a cabinet request for approval but from a motion of censure presented by the deputies. Interpellation is impossible unless accompanied by a motion of censure.[21] If a conflict between the Assembly and the cabinet arises over a bill which the latter wants the former to accept, the cabinet can stake its life on the bill, but again the initiative for the cabinet's fall must come from the Assembly: if the cabinet's challenge is not picked up by deputies who draft a motion of censure within twenty-four hours, the text is deemed adopted, even though there might actually have been no majority for the bill itself. Passage of a motion of censure requires an absolute majority of all the members of the Assembly. Only the deputies favorable to the motion are to be included in the count. The motion itself must be signed by at least one-tenth of the membership of the Assembly. To these limitations of the deputies' freedom, which are inspired by the Gaillard and Pflimlin proposals of 1958, another has been added: if a motion of censure is rejected its signatories cannot put forward a new one during the same session. This is bound to have serious effects if the size of the opposition is small: if the opposition should count less than 200 members, the provisions of Art. 49 would reduce it to four motions of censure per session.

Political censure of the cabinet by the Assembly is further limited by a third major change. The length of parliamentary sessions has been considerably reduced. Whereas under the 1954 revision the minimum length of an ordinary session was seven months, Art. 28 now stipulates that there will be two ordinary sessions, one which will last two and a half months from October to December, and one which cannot exceed three months in the spring. Fourth, the unfreezing of the dissolution power will inevitably affect the deputies' behavior, since the Assembly can be dissolved at any time except during the year which follows a new election.

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[19] On the "rush for portfolios" under the Fourth Republic, see Mattéi Dogan and Peter Campbell, "Le personnel ministériel en France et en Grande-Bretagne," *Revue Française de Science Politique*, Vol. 7, No. 2 (April-June 1957), pp. 313–345, esp. at pp. 323–326.

[20] See Philip Williams, *Politics in Post-war France*, 2d ed. (London, 1958), ch. 14.

[21] See Art. 51 of the new Standing Orders of the National Assembly and the statement of the *rapporteur* of the temporary Standing Orders, M. Fréderic-Dupont, about the suppression of such dilatory devices as the *motion préjudicielle* and *motion d'ajournement: Journal Officiel*, Débats Parlementaires, Assemblée Nationale, Année 1958–9, pp. 92 ff, 124, 147, and 705.

Another set of measures less directly aimed at protecting the cabinet will, however, also curb the freedom of political action of Parliament. A member's vote is from now on personal in all cases: he can no longer delegate his vote to a proxy when he is absent from Paris.[22] The President of each House is no longer elected every year; thus his authority over his colleagues should be increased.[23] The new Standing Orders of the Assembly prescribe that the minimum size of a political group will be thirty—instead of fourteen as it had been during most of the previous regime.[24]

The cabinet thus gains considerable advantages in its political relations with Parliament. But it is in the legislative process that the most spectacular changes have been introduced. Measures of "parliamentary rationalization" which many French political scientists, in addition to Debré, had been suggesting for years, have now been adopted.[25] Many of these measures deal with matters previously left to the Standing Orders of the Houses. Since Parliament had shown as little willingness to modify its own rules as to reform the Constitution, such matters were put into the Constitution itself. Their effect is to weaken considerably the power of legislative initiative of the National Assembly, both because of the commanding position given to the cabinet for the first time and because of a considerable increase in the legislative powers of the other House; the former Council of the Republic is called the Senate again and recovers much of the influence it had under the Third Republic,[26] even though the cabinet continues to be responsible only to the National Assembly.

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[22] See *Ordonnance* No. 58-1066 of Nov. 7, 1958 (*Journal Officiel*, Nov. 9, 1958, p. 10128) for a few exceptions to the rule. In 1955, the National Assembly had already introduced the rule of personal vote in confidence and investiture votes: see J. Solal-Céligny, "Le question de confiance," *Revue du Droit Public*, March–April 1956, pp. 299–329, at pp. 304–310.

[23] Under Art. 32, the President of the National Assembly is elected for the duration of the legislature; the President of the Senate is elected after each partial re-election of the Senate.

[24] Art. 1 of the new temporary Standing Orders distinguished between "political groups," which must submit a political statement defining their programmes to the President of the Assembly, and "administrative groupings" which must also have at least 30 members, but which are not obliged to submit such a statement. One of these groupings is a conglomeration of deputies of various Center parties, none of which obtained more than 30 seats in the elections of Nov. 23–30, 1958. Another administrative grouping comprises most of Algeria's deputies. A number of deputies, including the ten Communists, belong to no group or grouping. See *Journal Officiel*, Débats Parlementaires, Assemblée Nationale, Année 1958–9, pp. 96 and 168 ff. Art. 19 of the final Standing Orders, voted in June 1959, recognizes only "political groups" and individual deputies "affiliated" to such a group: *ibid.*, p. 616.

[25] See Francois Goguel and Georges Galichon in: "Le travail parlementaire en France . . . ," *Revue Française de Science Politique*, Vol. 4, No. 4 (Oct.–Dec. 1954), pp. 674–708 and 761–792. See also Michel Debré, "Trois caractéristiques du régime parlementaire francais," *ibid.*, Vol. 5, No. 1 (Jan–Mar 1955), pp. 21–48.

The advantages the cabinet enjoys in the legislative process can be divided into four categories. First, Parliament's power to make laws has been considerably reduced by a new definition of the proper domain of legislation. In traditional French public law, the criterion of legislation (as opposed to administrative regulations such as decrees or *arrêtés*) was a formal one. A law was defined not by its content, but by its form: any text voted by Parliament and promulgated according to the constitutional procedure was a law, and any regulation issued by the executive or by an administrator was subordinated to the law.[27] This principle has now been reversed: the Constitution delimits a legislative domain and a "*domaine réglementaire.*" Parliament is to remain confined to the former, the latter being the cabinet's preserve. This new principle appears paradoxically both as a revolution in French public law and as the logical deduction from the trend of the last thirty years. More and more frequently Parliament had found it necessary to delegate its legislative powers to the cabinet. Under the Fourth Republic, in spite of the prohibition of Art. 13 of the Constitution of 1946, three techniques had been used. Under a law of August 17, 1948, the cabinet had received a permanent delegation of the power to make rules in certain areas previously regulated by Parliament (*i.e.*, Parliament had recognized the cabinet's right to modify by decrees previous laws dealing with these areas). Various temporary delegations of a similar power had occurred in other areas.[28] Parliament also resorted to the technique of "lois-cadres"—laws which merely defined general principles, to be implemented by decrees which, unlike those taken by the cabinet under the two other kinds of delegations, did not go into effect until after a certain period during which Parliament could examine and modify them.[29]

The Constitution incorporates these techniques. Thus, the shrinking of the legislative domain leaves on the cabinet's side of the fence which separates the

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[26] Under *Ordonnance* No. 58-1097 of Nov. 15, 1958 (*Journal Officiel*, Nov. 16, 1958), the Senate is elected for nine years instead of six as previously; one-third of its members are to be elected every three years. Although the Senate has no political powers as such, Art. 49 of the Constitution allows the Prime Minister to ask the Senate to approve a statement of general policy: thus a cabinet in trouble with the National Assembly could look to the Senate for political support. A decree of Dec. 2, 1958 indicates that in public ceremonies the President of the Senate comes immediately after the President of the Republic and the Prime Minister, and before the President of the National Assembly. It is also the President of the Senate who replaces the President of the Republic in any case of temporary incapacity of the Chief of State to exercise his functions.

[27] See Galichon, *op. cit.*, above, note 25.

[28] The last such delegation was the most sweeping: under law No. 58-520 of June 3, 1958 (*Journal Officiel*, June 4, 1958, p. 5327), the cabinet of General de Gaulle received the power to "take by decrees during a period of six months those legislative measures which national recovery requires." It was specified that these decrees could not affect certain basic freedoms.

[29] See Jean Charpentier, "Les lois-cadres et la fonction gouvernementale," *Revue du Droit Public*, March–April 1958, pp. 220–270.

'legislative' from the 'rule-making' powers those administrative and economic matters which the law of 1948 had transferred to the cabinet.[30] Moreover, in certain areas on its own side of the fence, Parliament will be able only to "determine basic principles."[31] Also, the cabinet continues to have the right to ask for a temporary delegation of power in normally legislative areas; measures taken by the cabinet in such cases will be called *ordonnances*. But the Constitution does more than sanction past practices. Previously the legislature could always make new laws in areas in which it had delegated its power to the cabinet (for instance, a law abrogating a decree made by the cabinet). In the future, if a bill or an amendment should be proposed by a deputy in an area which is now *"réglementaire"* or which has been temporarily delegated to the executive, the cabinet could declare that the proposal is inadmissible, and if the President of the House disagrees, either he or the cabinet can ask the Constitutional Council to decide. Parliament does not appear to be equally well protected against executive intrusions into the legislative domain.

A second category of advantages to the cabinet consists of the new legislative procedure itself. Nowhere was parliamentary supremacy more in evidence, nowhere is cabinet predominance more obvious now. Legislative initiative by members of Parliament, even within the narrower domain left to the law by the Constitution, is further reduced by Art. 40: members of Parliament cannot propose bills or amendments which would tend to decrease public financial resources or increase public expenditures. This provision closes a major gap in the Constitution of 1946, which the reforms suggested by Gaillard and Pflimlin had tried to plug.[32] When the cabinet submits a bill to Parliament, it is the cabinet's text which must be discussed. This provision means the death of Parliament's practice of discussing instead counter-projects put forward by parliamentary committees.[33] The committee system itself is thoroughly revamped. There are only six permanent committees left, and they will discuss only those bills which the cabinet or (in the case of a bill submitted by a member of Parliament) the House itself has not sent to an *ad hoc* committee.[34] Here, the new Constitution represents a compromise between British and past French practices.

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[30] Civil rights and the fundamental guarantees of public liberties; the obligations imposed by national defense; nationality, the legal capacity of persons, marriage contracts, inheritance and gifts; the determination of and penalties for crimes and misdemeanors, criminal procedure, amnesty, the creation of new categories of jurisdiction and the status of magistrates; taxes and currency; the electoral system of legislative and local assemblies; the creation of new kinds of public institutions; the fundamental guarantees of civil servants; nationalizations and de-nationalizations, are all within the legislative domain. It is a much longer list than that of the first draft submitted to the Constitutional Consultative Committee. For a comparison and for the Committee's proposals, see Marcel Prélot, *Pour comprendre la nouvelle Constitution* (Paris, 1958), pp. 100–107.

[31] This is the case in the following areas: the general organization of national defense; the administration, powers and resources of local units; education; property rights and civil and commercial obligations; employment, unions and social security; national planning.

[32] On this point see Galichon, *op. cit.*, pp. 824 ff, and D. W. S. Lidderdale, *The Parliament of France* (London, 1957), ch. 9.

[33] The new Standing Orders of the National Assemblies (Art. 98–9) ban such counter-projects: *Journal Officiel*, Débats Parlementaires, Assemblée Nationale, Année 1958–9, p. 122.

Four important powers which the cabinet did not enjoy before in the legislative procedure that follows transmission of a text to a committee are now granted to it: the power to move amendments, the power to oppose during the debate on the floor amendments not previously submitted to the committee, the power to ask a House to vote on a whole bill or on part of a bill, rather than to vote on each article, and a decisive power to determine the agenda of the houses. Instead of being merely represented in the "Presidents' Conference" which proposed to the house an agenda which the parliamentarians could always modify, the cabinet under Art. 44 of the new Constitution gets priority for the discussion of its own bills and for parliamentarians' bills only when accepted by the cabinet. These texts must be discussed in the order decided upon by the cabinet. One sitting every week must be reserved by priority for questions from members of Parliament: this is another compromise between past French practice (one sitting per month) and British question time. Another restriction imposed on Parliament results from the time limit on the vote of the budget: seventy days, after which the cabinet can promulgate the budget by *ordonnance.*

The cabinet gains a third set of advantages from the new relations which the Constitution establishes between the two houses in the legislative process. Under the Fourth Republic, the National Assembly always had the last word although the role of the Council of the Republic had been increased by the 1954 revision.[35] The new provisions of Art. 45 give to the cabinet an important role in case of a conflict between the two houses. It is up to the Prime Minister to get a joint committee (composed of an equal number from both assemblies) to meet and agree on a compromise. If no compromise results, or if it is not adopted by both houses, the final passage of the bill depends on the cabinet, for it is only at the cabinet's request that the National Assembly will be called upon to break the deadlock and to give a final ruling. This new system gives to the cabinet, in such a deadlock, the power to lean on one of the houses in order to coerce the other.[36]

A final guarantee for the cabinet is provided by the new Constitutional Council. Not only is this body of nine members (plus former Presidents of the Republic) entrusted with the establishment of the credentials of the deputies and senators (another significant departure from past practice which left each house free to appoint its own committees of verification), but it will also have to pronounce on the constitutionality of the Standing Orders of the houses and on the constitutionality of "organic laws." These are the laws which deal with certain constitutional problems, the detail of which the Constitution itself referred to such laws, for instance, the procedure for the election of the President of the Republic, the term of office and composition of both houses, the legal status of magistrates, etc. Since the cabinet of General de Gaulle, under the "interim provisions" of Art. 91 and 92, promulgated in *ordonnance* form, after the referendum of September 28, 1958, all the organic laws mentioned by the Constitution, organic laws originating from Parliament would have to be in the form of amendments to, or of bills substituted for, the de Gaulle organic legislation. Standing Orders and future organic laws must be submitted to the Council. But ordinary laws whose constitutionality is dubious can also be referred to the Constitutional Council, either by the president of one of the houses or by the Prime Minister, or by the President of the Republic. No bill which the Council declares to be unconstitutional can be promulgated or enforced.[37]

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[34] Under Art. 33 of the new Standing Orders, such *ad hoc* committees will be composed of 30 members, of whom no more than 15 can belong to the same permanent committee. *Ibid.*, pp. 620–1.

[35] On the 1954 revision see Roy L. Macridis in this REVIEW, Vol. 50, No. 4 (Dec. 1956), pp. 1011–1022.

[36] Similarly, under Art. 47, if the National Assembly has not finished its first reading of the budget within 40 days, the cabinet brings the bill before the Senate.

II

Thus we see how the Constitution has tried both to preserve the essence of parliamentary government—responsibility to the house elected by direct universal suffrage—and to establish a real governmental power, an expression definitely more suitable than the word "Executive," since, as we have noticed, the cabinet receives a huge rule-making grant and intervenes weightily in the legislative process itself. In the drafters' minds, precisely because Parliament is likely to be without a clearcut majority, the cabinet has to be given enough power to be able to act despite parliamentary paralysis. However, this is only part of the new organization of power. For precisely because cabinets continue in the final analysis to depend on parliamentary support, another set of precautions against governmental impotence was thought indispensable: above all the other institutions of the state, stands "a national arbiter far removed from political struggles."[38]

Debré has described the President of the Republic of the new order as "the keystone of our parliamentary regime."[39] He will exercise, in the first place, the functions which a chief of state performs in most parliamentary regimes; he selects the Prime Minister, he ratifies treaties, he has the title of Commander-in-Chief of armed forces, he presides over the council of ministers. Furthermore, he has certain powers which French Presidents have traditionally exerted: he makes appointments to top administrative and army posts,[40] he presides over various military committees, he has the power to ask Parliament to reconsider a law before promulgation and the power to send messages to Parliament. Certain of these traditional powers are freed from restrictions which the Constitution of 1946 had imposed. Thus he now exercises his right of pardon by himself, and no longer in the High Council of the Judiciary. Its nine members are now all appointed by him, whereas he previously appointed only two of its former fourteen members, Parliament appointing six others.[41] He is not only informed of treaty negotiations: he "negotiates" treaties (a formula which was already in the constitutional laws of 1875; its effects here are not at all clear).

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[37] On the Constitutional Council, see *Ordonnance* No. 58-1067 of Nov. 7, 1958 (*Journal Officiel*, Nov. 9, 1958, pp. 10129–31). The President of the Republic and the Presidents of the two houses appoint three members each. The Councillors must swear not only to keep their discussions and votes secret, but also to take no public stand on matters which fall within the Council's jurisdiction. This might be one of the reasons why no law professor has been appointed to the Council. Some of the new Councillors' acquaintance with public law is dubious, to say the least (see its composition in the *Journal Officiel*, Feb. 21, 1959).

[38] Gen. de Gaulle in his Paris speech of Sept. 4, 1958: *Le Monde*, Sept. 6, 1958, p. 3.

[39] *La nouvelle Constitution, op. cit.*, p. 16.

But the most important innovation is the grant to the President as "high judge of the national interest" of new and vital powers which he receives because of France's special political difficulties.[42] The change in his role is indicated by the new procedure for his election, which is by a much broader college than before. Article 6 describes this college in great detail. The college is composed, for metropolitan France, of the members of Parliament (as before), plus the members of the General Councils, all the mayors, a varying number of municipal councillors in the case of communes with more than 1000 and less than 9000 inhabitants, all the municipal councillors of communes with more than 9000 inhabitants, and additional delegates for communes with more than 30,000 inhabitants (one delegate for every 1000 inhabitants above 30,000). Three remarks should be made about this election. According to the organic law on the new Senate, the presidential college is exactly the same as the college which elects the Senators; an observer has thus spoken of a "Senatorial Republic."[43] This college is composed in a way which favors small communes and penalizes big cities, although much less so than the senatorial college of the Fourth Republic and very much less so than the college proposed by the Constitutional Consultative Committee.[44] Finally, this body of almost 80,000 people is broken up in separate colleges which meet in each *"chef-lieu de département"* exclusively to vote on the candidates: it is in no way a convention or a sum of conventions.[45] Art. 7 of the Constitution foresees the possibility of a second ballot, if no candidate obtains an absolute majority the first time. The question raised by some about the authority left to a popularly elected President who has failed to receive a majority at the first ballot can be asked here too. The answer is that in the present scheme, the authority of the Executive does not entirely rest with the President since the cabinet with its Prime Minister is distinct from him.

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[40] Under *Ordonnance* No. 58-1136 of Nov. 18, 1958 (*Journal Officiel*, Nov. 29, 1958, p. 10687–89) the President makes many more such appointments than under the Fourth Republic.

[41] *Ordonnance* No. 58-1271 of Dec. 22, 1958 (*Journal Officiel*, Dec. 23, 1958) reduces the powers the High Council had under the Fourth Republic.

[42] Debré, *La nouvelle Constitution*, p. 16.

[43] Prélot, *op. cit.*, p. 51.

[44] In the senatorial college of the Fourth Republic (Duverger, *Droit Constitutionnel et Institutions Politiques*, Paris, 1955, pp. 474 ff), only the municipal councils of communes with more than 45,000 inhabitants elected additional delegates (1 for every 5000 above 45,000). With the new system, according to a study in *Esprit*, Nov. 1958, pp. 733–734, the delegates of communes of less than 1000 inhabitants represent 25.5 per cent of the population and 42.1 per cent of the presidential college; delegates of cities of more than 60,000 represent respectively 21.3 and 11.4 per cent. The Seine Department, which has about one-ninth of France's population, had 6409 delegates in a college of 76,310 for metropolitan France, *i.e.*, about 8.5 per cent.

The President's new powers flow from the two sets of formulas in Art. 5, which call him on the one hand the guardian of the Constitution and the arbiter who ensures the regular functioning of the other institutions, and on the other hand the guarantor of national independence and of respect for treaties. To the first group of attributions corresponds the President's power to turn to the people as the final judge. He has the discretionary power to dissolve the National Assembly. He can also, but only in rather restrictive circumstances, call for a referendum on a bill relative to the organization of government.[46] An organic law would probably fit this description.[47] The role left to direct democracy in the new system, although potentially much bigger than before because of the possibilities of dissolution, can hardly be called extensive.[48] The President's power to refer bills to the Constitutional Council and his role in the amending process fall within the same category.[49]

As the guarantor of national independence, the President can refer an international agreement which he believes to be unconstitutional to the Constitutional Council—an uncertain remedy in an unlikely contingency—and he can, again in limited cases only, submit the ratification of certain treaties to a referendum. Finally, as guardian both of the constitutional order and of national independence he receives the controversial emergency powers of Art. 16.[50] What they amount to is the President's power to turn himself either into

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[45] See *Ordonnance* No. 58-1064 of Nov. 7, 1958 (*Journal Officiel*, Nov. 9, 1958, pp. 10126–28).

[46] The referendum must be proposed to the President by the cabinet during parliamentary sessions, or by a joint resolution of the two houses.

[47] Since the electoral system is to be dealt with by ordinary law, under Art. 34, it is not clear whether a bill on that subject could be submitted to a referendum.

[48] *Contra:* C. J. Friedrich, "The New French Constitution in Political and Historical Perspective," *Harvard Law Review*, Vol. 72, No. 5 (March, 1959), pp. 801–837.

[49] Under Art. 89, when the President decides to submit an amendment passed by both houses to Parliament convened in Congress, the proposed amendment does not have to be submitted to a referendum (which is the normal procedure for revision). But the Congress must adopt the amendment by a majority of 3/5. The text does not say whether it could still be submitted to a referendum if the Congress fails to muster such a majority.

[50] Here is the text of Article 16, in the French Embassy's translation:

> When the institutions of the Republic, the independence of the nation, the integrity of its territory or the fulfillment of its international commitments are threatened in a grave and immediate manner and when the regular functioning of the constitutional governmental authorities is interrupted, the President of the Republic shall take the measures commanded by these circumstances, after official consultation with the Premier, the Presidents of the assemblies and the Constitutional Council.
>
> He shall inform the nation of these measures in a message.
>
> These measures must be prompted by the desire to ensure to the constitutional governmental authorities, in the

a temporary dictator or to exercise both the functions of the President and of the Premier during a national emergency. It is the President's duty to see to it that the political community of France survives in spite of all the accidents of history. It is important to remember that in the use of all these new powers the President does not need the countersignature of the Prime Minister. This whole sphere of arbitral action is the President's own.

The textual ambiguity to which we referred in the introduction lies in the relationship between the drastically revised parliamentary system on the one hand and the President's role on the other. Whereas the sum total of the cabinet's powers presents a rather clear idea of the cabinet's capacities in its relations with Parliament, the total of the President's powers leaves many questions unanswered. The distribution of tasks between the cabinet and the President is hazy. Most symbolically, the drafters entrusted the power to appoint to civil and military posts successively to the President (Art. 13) and to the Premier (Art. 20). In the crucial areas of defense and foreign affairs, a President determined to intervene actively could use the more traditional grants of power of the Constitution in combination with the original, sweeping and vague assertions of Art. 5. Possibilities of conflict either between the President and the Premier or between the President and Parliament are easy to imagine: indeed, French observers have listed them with characteristic sharpness.[51] But an equally important fact seems to have been overlooked. The very vagueness of the Constitution on the distribution of power between the President and the Prime Minister makes it possible *theoretically* to adapt the Constitution to either of two contrasting political eventualities. If a strong and stable majority should appear in Parliament, the system can work as a modern parliamentary regime, *i.e.*, cabinet preponderance within a context of party government. Should such a situation arise, the need for a powerful Chief of State would be far smaller. As the new Constitution maintains the principle of cabinet responsibility, the President could not avoid appointing as Prime Minister the leader of the majority. On the other hand, if Parliament continues to be divided the system could function as a modified presidential régime; the President's arbitral power could work as a substitute for the missing majority, and the cabinet would then find in him the source of the authority it needs in order to deal with Parliament. The cabinet would at the same time serve as a buffer between Parliament and the President, who might thereby be preserved from the risk of exhausting his authority in direct conflict with Parliament.

III

A similar attempt at building a framework theoretically capable of taking on different meanings depending on the political context marks the provisions

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shortest possible time, the means of fulfilling their assigned functions. The Constitutional Council shall be consulted with regard to such measures.

Parliament shall meet by right.

The National Assembly may not be dissolved during the exercise of emergency powers [by the President].

[51] See the study in *Esprit*, mentioned in n. 44; Prélot, *op. cit.*, pp. 61–3; *Enterprise*, No. 159 (Sept. 20, 1958); Georges Vedel in *Le Monde*, July 20–1, 1958; Duverger, *Demain la Republique* (Paris, 1958).

on the Community. But whereas the articles we have analyzed above show a refusal to break completely with the Republican tradition, the provisions on the Community abandon the centralizing tradition of French colonial policy. In analyzing the relations to be established with France's overseas regions, the twelve Algerian departments as well as those other areas which are considered as "overseas departments," and which continue to be part of the Republic, must be put aside as a special case. The more general question at issue since the vote of the "loi-cadre" of June 23, 1956, which gave a large measure of self-government to the various other territories of Black Africa and Madagascar, was the question of the relations between France and these "overseas territories," also technically part of the Republic. It was widely agreed that they would cease being within the Republic. But on three counts the new Constitution goes beyond previous plans. First, it gives to those "overseas territories" which decide to remain within the Community the capacity of becoming member States. This is much bolder than the system of mere (although extreme) decentralization which the last Parliament of the Fourth Republic had envisaged.[52] The former territories which become member states will consequently no longer send representatives to the French Parliament. Secondly, the political status of the Community is definitely *sui generis:* it fits neither of the standard models of federation and confederation; it contains elements of both, as well as remnants of French preponderance. Thirdly, the Constitution gives to each former "overseas territory" the right to independence:[53] any such territory was allowed to refuse to join the Community merely by voting against the Constitution. Thus Guinea decided to become independent. In the future, the member states will be free to secede from the Community under the procedure of Art. 86, which stipulates a local referendum.

The crucial provisions are those of Art. 78 which delimit the sphere of common affairs. It is here that the new organization looks most like a federation: foreign affairs, defense, currency, common economic and financial policy, and policy on strategic raw materials, are within the jurisdiction of the Community. Another series of subjects also falls within its jurisdiction unless excepted by special agreements made between the President of the Community and any of the member states: the supervision of courts, higher education, the general organization of external transportation, transportation within the Community and telecommunications. As in a federation, too, there is only one citizenship for the Community.

The institutions in charge of these common affairs, however, cannot be classified so easily. All the members participate in the election of the President of the Community, who is the President of the Republic—a fine example of functional division.[54] The Community regime which the President caps is neither parliamentary nor presidential, for the simple reason that there is neither a common legislature nor a cabinet freely picked by the President. As in a confederation, the Executive Council which the President of the Community presides over is composed of the heads of governments of the various states; it also includes "the ministers in charge of common affairs"—a purposefully vague formula.[55] The Senate of the Community is primarily a consultative body composed of delegates of the French Parliament and of the legislative assemblies of the other member states; it meets twice during the year (in the French Senate building) and for one month only each time. It has no political power; the Council is not responsible to it and the Senate's members may ask written questions only.[56] At present, its only legislative function concerns constitutional matters: organic laws dealing with the Community must be approved both by its Senate and by France's Parliament, and any revision of the Constitutional provisions which refer to the Community requires the same procedure—a much simpler process than that established for amendments to other parts of the Constitution. The fact that constitutional provisions and organic laws on the Community must be passed by France's Parliament but not by the other members' assemblies is a significant reminder of France's predominance. On economic and financial common policies the Community's Senate merely "deliberates"; the vote of the laws which these policies might entail is left to the French Parliament and "should circumstances so require, to the legislative assemblies of the other members."

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[52] See the Coste-Floret report, above, n. 8.

[53] See the Preamble, Art. 1 and 86.

[54] Agreements between the Republic and the member states shall determine how the participation is to take place.

This last sentence highlights the deliberate ambiguity and flexibility of the provisions; so does the vagueness of the reference to "ministers in charge of common affairs"; so does the silence of the Constitution and of the organic laws on a crucial point: the nature of the administrative services to be placed under the supervision of the President and to be entrusted with carrying out the Executive Council's decisions. Should solidarity among the Community's members be as strong as General de Gaulle hopes, and should French leadership be accepted by the others, then the system could work in a way which would ensure French control; if the ministers in charge of common affairs are ministers of the French cabinet (as is presently the case), if the execution of common decisions is left with French administrative services (as Art. 81, which states that the President is "represented in each state of the Community," would allow),[57] if legislation on common matters is passed mainly by France's Parliament, the break with past centralization will in practice be less total than it appears now. Should solidarity remain strong without continued acceptance of French leadership in all respects, a quasi-federal scheme might ensue; for nothing prevents the President from appointing as ministers for common affairs men from different states selected for their personal capacities rather than as delegates of a specific state cabinet. Also, under Art. 83, legislation could eventually be passed by the Community's Senate in the form of "executory decisions" in areas in which such power may have been delegated to it by the members' assemblies. Should on the contrary centrifugal forces continue to grow, then a very loose scheme comparable to the Commonwealth might still result from the constitutional provisions. For Art. 78 allows the transfer of "common affairs" from the Community to any of its members through the procedure of special agreements; furthermore the President could ask the Prime Ministers of the various states and their own national services to put into effect the decisions on common matters agreed upon by the Council; measures requiring legislation could be submitted to the various legislative bodies. The organic law on the Council even allows the President to delegate some of his own functions to members of the Council, which comprises the African Prime Ministers. Thus French administration in the Community might disappear, but the Community would still be held together by common citizenship and common allegiance to the President.

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[55] *Ordonnance* No. 58-1254 of Dec. 19, 1958 (*Journal Officiel,* Dec. 20, 1958, pp. 11455), which deals with the Council, merely repeats the constitutional formula of Art. 82.

[56] *Ordonnance* No. 58-1255 of Dec. 19, 1958, *ibid.*, pp. 11455–6.

[57] The *Journal Officiel de la Communauté* of May 15, 1959, indicates that at present the execution of common decisions is indeed entrusted to the High Commissioners, who represent the President in the member states.

It is the President who has the rule-making power, who summons the Council and who brings projects before the Senate. It is the President who appoints the members of the Arbitral Court that will rule on conflicts arising out of the interpretation or application of the Constitution or of special agreements, and who can ask the Court for advisory opinions on matters of legal interpretation.[58] Thus the future of the Community rests very largely with him. His enormous responsibilities in this area cannot but both affect his role as President of the French Republic, and be affected by whatever happens to his powers as President of the Republic. He appears as the keystone not merely of France's new parliamentary regime, but of the whole constitutional edifice.

Two other provisions concerning overseas affairs should be mentioned. Under the Fourth Republic the French Union was supposed to include on the one hand the French Republic, which comprised the "overseas departments" and the "overseas territories" and on the other hand, "associated" states and territories. The latter category has disappeared: the Community is reduced to the limits of the former Republic. But the idea of association with previous partners has not vanished: hence Art. 88, which provides for agreements between the Republic or the Community and other states which want to be associated with the latter "in order to develop their civilizations." As for Algeria, it is still considered to be part of the Republic, but the cryptic provisions of Arts. 72 and 73 might apply to it some day: Art. 73 states that overseas departments can be submitted to "measures of adjustment required by their particular situation" and concerning their legislative system and administrative organization. Art. 72, which lists the territorial units of the Republic, states that new types of units can be created by a law. Here too, possibilities of evolution have been left open.

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[58] *Ordonnance* No. 58-1236 of Dec. 19, 1958, *ibid.*, pp. 11457–8, completing Art. 84 of the Constitution.

IV

It is obvious that the kind of evolution which will materialize and the way in which textual ambiguities will be resolved depend largely on the advantages and difficulties which the new institutions find in the present and ensuing political context.

On the domestic scene, three main assets should be mentioned. First, the Constitution of 1958 represents the first serious attempt to institutionalize a great man. Observers have noticed that the Third and Fourth Republics have rather ruthlessly rejected or mistreated political leaders of more than average stature.[59] The result was that such leaders were either lost for the service of their country during long stretches of their lives, or were pushed into anti-parliamentarianism; and the French have consequently oscillated between the curse of parliamentary anonymity and the cult of anti-parliamentary personalities (Boulanger, Pétain, de Gaulle in his RPF days). Raymond Aron has written that democracy requires both the organization of the masses and a plebiscitary element, and that the weaker the former, the stronger the latter must be.[60] Past French Republics, in which party and labor union organization was on the whole rather weak, nevertheless kept the plebiscitary element far lower than other representative systems. The new Constitution, in its provisions on the President, goes a long way toward restoring the balance between tradition and necessity. It is a man of definitely more than average stature who is the first Chief of State, in a system which for all its bias in favor of the Executive nevertheless remains genuinely constitutional because of the various restraints, checks and balances which the separation of powers, the duality of the Executive and the duality of the legislature accumulate. It may be that the de Gaulle regime represents a new victory for Bonapartism—direct communion and communication between a national hero and the nation at the expense of the nation's representatives.[61] But the alternative to institutionalized Bonapartism had become Bonapartism unlimited.

Secondly, two of Debré's arguments in favor of an Executive rescued from excessively close dependence on Parliament seem vindicated so far. Debré believed that a cabinet not necessarily composed exclusively of members of Parliament might attract dynamic personalities whose qualities would prove useful in the government.[62] The presence of various "outsiders"—former civil servants, an economist, a famous writer—shows that one of the virtues of the American presidential system might flourish in the new regime. Debré also believed that the more independent cabinet he was asking for could resist pressure groups more easily.[63] The economic and financial measures of December, 1958, which abolished subsidies wholesale, liberalized foreign trade and reduced various social allowances tend to prove this thesis.

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[59] See for instance Maurice Duverger, *Demain la République*, p. 15.

[60] *Espoir et peur du siècle* (Paris, 1947), p. 144.

[61] See Raymond Aron, "Rénovation de la France," *Preuves*, No. 96 (Feb. 1959), pp. 3–13.

[62] *Ces princes qui nous gouvernent*, pp. 105–106. Under the Fourth Republic non-parliamentarians could become ministers but they almost never did: see Appendix III in Philip Williams, *op. cit.* The fear expressed by some, that in the new regime members of the Parliament would hesitate to accept a cabinet post because of the incompatibility rule has certainly not been vindicated so far.

Thirdly, to the extent to which the regime, in setting up new relations between the cabinet and Parliament requires deputies to make an almost completely fresh start, it can benefit greatly from the *Götterdämmerung* of ideologies, parties and politicians which has accompanied the fall of the Fourth Republic, and which the new electoral law for the National Assembly has accelerated. Even though the shifts in popular vote have been moderate, the main parties of the center and of the left have suffered heavily both from the return to the majority *scrutin d'arrondissement* and from the confusion of the summer of 1958 when numerous schisms weakened the Socialist, Radical and Christian Democratic groups.[64] The composition of the new Assembly reveals a massive purge by the electorate of the political personnel of the Fourth Republic and the accession to Parliament of new "notables" who reflect the growth and diversity of "tertiary" middle classes in post-war France.[65] The new Gaullist party (UNR) is particularly representative of this trend. At the same time, most of the ideological issues of the Third and Fourth Republics seem totally exhausted. The UNR itself has hardly any ideology, and not much of a program; and it is too completely committed to the new regime and too dependent on General de Gaulle to engage in a battle for Parliament's rehabilitation.[66] For the time being such confusion at the level of France's most acute divisions—in the electorate and in Parliament—creates a climate favorable to bold executive action and to a new departure for the parliamentary system.

However, hopes for the development, within the new framework, of the kind of pragmatic democratic politics which Pierre Mendès-France has been calling for in the past seem altogether premature.[67] France remains as far as ever from this ideal. At least three necessary ingredients are missing: a general acceptance of the constitutional framework by the main political forces; willingness on the part of these forces to make mutual concessions rather than to exacerbate differences, and a relatively stable and coherent party system. In France today, one major political party, the Communists, and numerically small but politically and intellectually important fractions of the non-Communist left, reject the Constitution. The tensions created by the Algerian war and by the political circumstances of the fall of the Fourth Republic have produced a rash of historical analogies, a search for arguments designed to discredit the political adversary either as a defeatist partisan of the much vilified "old regime," or as a crypto-fascist partisan of authoritarianism.[68] This indicates that once again an effort at national reconciliation, such as General de Gaulle's, remains paradoxically marked by the partisan origin of the men who strive for unity. The main obstacle to pragmatic politics is that very decrepitude of the party system which, as we have seen, may be an asset from the viewpoint of the cabinet's possibilities of action. For the price the cabinet may have to pay for its initiatives is the absence of organized and stable support. The UNR's own cohesion and solidity remain uncertain. The size and persistence of a floating mass of voters who shift their allegiances all over the political chessboard from election to election symbolizes this serious weakness of French democracy.

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[63] *Ces princes qui nous gouvernent, passim,* and especially pp. 7–9.

[64] For a detailed analysis of these election results, see Otto Kirchheimer, "France from the Fourth to the Fifth Republic," *Social Research* (Winter 1958), pp. 379–414.

[65] Only 131 of the 537 metropolitan deputies of the last Assembly of the Fourth Republic were reelected, according to *Le Monde*, Dec. 2, 1958. The new Assembly will have only 7 workers and employees instead of 58, as a consequence of the reduction in the number of Communist seats from 145 to 10. There will be fewer civil servants (92 instead of 132), fewer peasants (52 instead of 66), about the same number of lawyers (57 instead of 58) and doctors (37 instead of 38), but more members of other professions (54 instead of 43), more "cadres" (60 instead of 46), more businessmen and shopkeepers (74 instead of 65). The rise of the new notables has been studied by Roger Priouret in *La République des Deputés* (Paris, 1959), pp. 240 ff.

[66] The parliamentary debate on the adoption of the new Standing Orders of the National Assembly has shown that the UNR group was favorable to rules which would restrict the Assembly's role even more stringently than the Constitution itself, and strenuously opposed proposals designed to increase this role. See *Journal Officiel*, Débats Parlementaires, Assemblée Nationale, Année 1958–1959, at pp. 93, 118, 142, 145, 150, 706 ff., 742 ff.

[67] See in particular Pierre Mendès-France, *La politique et la vérité* (Paris 1958), introduction and part IV.

The instability of the electorate and of the party system which reflects the voters' views highlights both the necessity of creating an independent Executive and the dilemmas which it faces. As long as France has no two-party system or no stable system of parties capable either of agreeing on a coalition programme or of constituting electoral cartels for the direct election of a President, the present half-way house between France's traditional parliamentary regime and a Presidential system may be necessary. But the new system is thus condemned to operate in a political vacuum: here lies its greatest liability. In many ways, the Constitution discriminates against the one body which is directly elected by the people, the National Assembly. It increases the powers of men and bodies who are either elected by indirect suffrage or selected by a President who is chosen by a college which is hardly a fit channel for political processes, and who is anyhow supposed to be an impartial arbiter rather than a political leader.[69]

Furthermore, this political vacuum is a self-perpetuating one. It has often been said that France's major political weakness is to be found in the alienation of the electorate which, unlike the British or American people, does not actually or in effect elect its Executive.[70] France is caught in a vicious circle, since it is the present state of the electorate and of the parties which makes such direct selection impossible. But the new Constitution does nothing to break this circle.

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[68] The collections of the Mendesiste weekly *L'Express* and of the pro-Gaullist weekly *Carrefour* for the period May 1958–January 1959 provide striking illustrations of these tendencies.

[69] See Raymond Aron's remarks: "En un combat douteux," in *Le Monde*, Sept. 21, 1958; also Georges Lavau, "La réforme des institutions," *Esprit*, Sept. 1958, pp. 230–257.

[70] Duverger, *Demain la République*, pp. 21 ff; Vedel, *L'instabilité gouvernementale*, pp. 7–8.

The political leaders will be chosen by the President, not by the voters. The rule which makes a parliamentary mandate incompatible with a cabinet office might even tend to increase the cabinet's political isolation and the deputies' unwillingness to take responsibility for government policy. The impotence of the Executive under the Fourth Republic was due both to "*le système*"—parliamentary predominance and obstruction—and to the division of the electorate which the Executive reflected and which Executive impotence might have perpetuated but did not create. The new Constitution carefully destroys the first layer of paralysis, but it never reaches the second. One of the arguments for a more drastic change of constitutional or electoral system (*i.e.*, for an outright presidential regime or a one-ballot plurality election law) was that only such thorough reforms could force parties to establish a potential governing majority and citizens to accelerate the efforts at party realignments which have sluggishly appeared. Such shock treatment was found too dangerous.[71] As a result, the new Constitution may amount to a restoration of what Wahl has called the administrative tradition of French government.[72] Administrative efficiency might be mistaken for policy-making.

One should remember, however, that the authors of the Constitution tried to find a third way between the administrative and the representative traditions. Indeed, one of Debré's main points in recent years was that the tendency of administrators to make vital political decisions was encouraged by a representative tradition which paralyzed genuine governmental authority. "The servant becomes the master's master when the master gives in without a word."[73] Spectacular initiatives taken by army or administrative officials without government instructions did indeed mark the last years of the Fourth Republic.[74] It is the belief of the writers of the Constitution that the beneficial effects of Executive leadership will promote changes in French political behavior.[75] Such changes would also be induced by economic and social transformation. They were previously blocked by the "games, poisons and delights" of a parliamentary system born in the days of the night watchman state and of a society of independent producers. Should such changes come forth, the presently clogged channels of communication between the Executive on the one hand, Parliament and the electorate on the other would be cleared. Meanwhile the one political reservoir from which the cabinet can draw is the present President's exceptional position and his determination to act as the representative of the nation's general will, as opposed to the representatives of the nation's divisions.[76] The persistence of the myth of the general will shows a symbolic longing for the cohesion which the nation still lacks.

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[71] Debré himself has long been the advocate of a *scrutin majoritaire à un tour:* see *La République et ses problèmes* (Paris 1952), p. 45; *Ces princes qui nous gouvernent*, p. 93.

[72] Nicholas Wahl, *Patterns of Government* (New York, 1958), chs. 16 and 19.

[73] *Ces princes qui nous gouvernent*, p. 10. See also *La République et son pouvoir*, p. 130 and pp. 162 ff. Otto Kirchheimer's indictment of Debré in his article mentioned above (n. 64) is quite unfair in this respect.

[74] For instance: the deposition of the Sultan of Morocco in August, 1953; the arrest of five Algerian rebel leaders flying a Moroccan plane in September, 1956; the bombing of the Tunisian village of Sakhiet in February, 1958.

[75] See *Ces princes qui nous gouvernent*, pp. 164 ff.

Thus the main hope for filling the present vacuum lies in the combined effects of time and executive action. The same can be said about the political context of the Community. The new arrangements benefit from the personal prestige of General de Gaulle among the leaders of Black Africa, from the dramatic French switch to a recognition of the right of self-determination, and from the very flexibility of the constitutional provisions. Consequently, for the first time since the end of the war, a structure which seems to provide both for order and for evolution has been erected. Retreat from colonialism may well be inevitable, but few things could be more important for the future of domestic French politics than the respite which the new institutions may provide. A gradual and, so to speak, cooperative retreat from Empire would replace the chaotic process of the past twelve years. As in its metropolitan arrangements the constitutional turnover constitutes primarily a psychological experiment. It tries to create a political style which would give to the French a sense of having control over events. It tries to purge the French of the feeling of humiliation which grew during the last years of the Fourth Republic and led both to the Republic's overthrow and to the excesses of anguished nationalism characteristic of so many groups and parties since 1954.[77]

But here we find ambiguity again: such psychological healing of the wounds opened by colonial debacles will take place only if at least a temporary slowing down of retreat is achieved, and if the trend toward independence and pan-Africanism is reversed for a while. There is in the Constitution and in General de Gaulle's speeches and decisions on the subject a clear assumption that the future of African peoples in the former French Empire should lie in association with France rather than with other African states.[78] France will cease trying to turn Africans into Frenchmen without ceasing to try to build a common enterprise based on converging interests. However, events beyond the control of France might upset French efforts. The quick tempo of the drive for independence in Africa, indeed the very accession to independence of Guinea against the wishes of France and of the French trust territories, yet with France's blessing, indicates at the start that the construction of the Community may have come too late. The gap which the war years and the years of fighting against irresistible independence movements have opened between French thinking and world realities may prove to be too big to be filled even by so bold an effort as the Community.

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[76] See his unmistakably clear warnings addressed to Parliament in his message to the National Assembly (*Le Monde*, January 17, 1959), and in his press conference of March 25 (*ibid.*, March 27, 1959).

[77] See Eugen Weber, "*La fièvre de la raison:* Nationalism and the French Right," *World Politics*, Vol. 10 (July, 1958), pp. 560–578.

[78] Among the first measures agreed upon by the Executive Council of the Community figured the decision to have a single diplomatic service and a single army—France's own (*Journal Officiel de la Communauté*, February 15, 1959). It was later decided that personnel of the various states could participate in French diplomatic missions.

A few observers would have preferred an even more daring attempt in the summer of 1958. It was suggested that instead of offering to the Africans the Community which her own government had desired, France should have left the definition of new relationships between the African territory and the Republic to a series of agreements between the French government and the governments of the various new states.[79] The method which General de Gaulle has selected is a more cautious one; in the outcome the text is certainly flexible enough to lead to a situation quite similar to the one the more revolutionary method might have brought about. But the psychological advantage of France's recognition of the right to self-determination might be reduced by the feeling created in many former colonial countries outside the French sphere that the Community is just one more French-designed cage.

V

To evaluate the prospects of the new Constitution on the basis of such political factors, two questions must be faced. In internal affairs, will the new institutions be able to affect and to absorb social and political developments which the text itself neither foresees nor tries to determine? In the relations with the Community, will France be able to set the pace of events in a world-wide process of decolonization?

It is clearly impossible to give clear-cut answers and dangerous to make predictions: too many independent variables are involved. In many respects the new Constitution is like a sanatorium: the patient is supposed to undergo a period of rest. Should the cure succeed, he will leave the sanatorium and return to a freer, riskier, and less rarefied atmosphere. Should the patient's condition worsen, he may have to be transported to a clinic and be operated upon. It is likely that the new Constitution, in its present form, will appear as a transitory formula and that a new set of relationships will emerge, either through a process of adaptation similar to the one which turned the constitutional laws of 1875 into a parliamentarian's paradise, or through amendments, or through violence.

If we look at the Community, a range of possible prospects appears. If association proves attractive enough to offset the drive for independence, and if the Presidency keeps its importance in French politics, a loose Community of autonomous states held together by the President and by the coordinating action of the Council might survive. Should the Presidency lose its power in France, or the attraction of independence prove irresistible, the Community would gradually shrink, and might altogether disappear, perhaps to be replaced by a network of "Art. 88 agreements" with the new totally independent states of the former Community. A disappearance of the Community would in turn tend to weaken the Presidency in France.

If we shift to the domestic scene, the range of possible developments appears broader. General de Gaulle clearly wants to establish a set of precedents which should make of the Presidency the center of power and policy. But the situation of the General is exceptional. His conception of the Presidency is the idea of an arbitral office whose holder keeps the other institutions of the state within proper limits and also determines France's future in those areas which should be above political decisions because these areas concern the national interest. This notion of a balancing power and of a kind of non-political federative power in charge of France's relations with the outside world is both a theoretician's dream and a practical remedy limited to General de Gaulle's personal tenure. Such a holiday from politics might last as long as the nation unburdens itself of political responsibilities on a man "who belongs to all and to no one." But how can the national interest be above political contests? How can the most important political office in a nation stay out of politics forever? General de Gaulle found it difficult once before, in 1945. The measures of arbitration which a President can take, such as the refusal to accept the resignation of a cabinet which has not been overthrown in the forms prescribed by Art. 49 and 50, or the dissolution of an unruly Parliament, might well be interpreted by him as "designed to insure the normal functioning of the institutions," but such acts will undoubtedly become hot political issues. Here is the root of the Constitution's own instability, and the cause of its probable transformation.[80]

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[79] Raymond Aron, in *Encounter*, No. 63 (Dec. 1958), p. 16; André Philip in *Preuves*, No. 94 (Dec. 1958), p. 20.

Three possibilities appear to be open. The first is a return to the pattern of the Third and Fourth Republics, resulting from a clash between Parliament and the President. There are already a few signs which suggest that the Parliament may try to enlarge its political role. Parliamentary imagination can invent new methods of harassment so as to force the cabinet to stake its life on a statement of general policy (in which case it can be overthrown by a simple plurality).[81] Should a dissolution occur and the electorate send back to Parliament practically the same men as before, the Presidency might once again have to face the dilemma which Gambetta put to MacMahon after the dissolution of 1877:

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[80] On these points, see Prélot, *op. cit.*, pp. 62–3. André Siegfried, *De la IV^e a la V^e République* (Paris, 1959), p. 285. Georges Lavau, "La France attend encore une vraie réforme des institutions," *Cahiers de la République*, No. 15 (Sept.–Oct. 1958), pp. 51–63 at 54–5.

[81] The new Standing Orders of the National Assembly thus decide (a) that the six permanent committees would divide the total membership of the Assembly among themselves; each one of these committees will thus be a little Parliament (Art. 36); (b) that these permanent committees will not merely be legislative bodies, but will also be "the organs which provide Parliament with the information it needs, to exercise its supervision" (Art. 142); (c) that *propositions de résolution*—expressions of Assembly wishes and suggestions to the cabinet—will continue to be allowed as long as they to not tend to increase expenditures, to decrease resources or to challenge the cabinet's responsibility (Art. 81–2). The temporary Standing Orders had also created a new procedure of oral questions followed by a debate which could end with the vote of a *proposition de résolution*. M. Debré objected vigorously and after a heated debate the Assembly gave in: there is to be no vote after such a debate (Art. 133 of the final Standing Orders; see *Journal Officiel*, Débats Parlementaires, Assemblée Nationale, Année 1958–1959, pp. 138–142, 556–563, 706–715, 742–752). The Senate, which had adopted a similar procedure, refused to give in (*ibidem*, Sénat, Année 1958–1959, pp. 203–4), but its decision has been declared unconstitutional by the Constitutional Council.

"Se soumettre ou se démettre"—give in or get out. In a country where history often repeats itself because its citizens react, like Pavlov's dogs, to bells rung by historical parallels, the Presidency of the new regime might well travel the same road as the Presidency of the Third, and Parliament might reassert its political supremacy against a President elected by a heavy and restricted procedure.[82] The legislative process seems to have been more firmly protected from parliamentary counter-attacks, but in the modern state the political powers of the Assembly are of greater importance anyhow.

A second possibility is a more peaceful one. If the cumbersome electoral college selects as President a non-controversial nonentity, or a man determined to orient the new regime in a more parliamentary direction, the balance of power within the Executive might shift to the Prime Minister. Should the present strategy of political tranquilizers and executive reforms produce a revolution in the party system and in the voters' behavior, should a legislative election consequently send a fairly coherent majority to the National Assembly, the prospects for leadership by a Prime Minister would be even brighter. The ensuing regime might then be close to the parliamentary system of multi-party states such as Belgium, Holland and the Scandinavian countries, where cabinets enjoy more stability and freedom of action than under the Fourth Republic and are based on quasi-contractual agreements between the parties which participate in the majority coalition. Paradoxically enough, this is the type of regime the founders of the Fourth Republic wanted to establish. The main differences between their hopes and the possibility we suggest here would reside in the rationalization of parliamentary procedure and in the President's power of dissolution. In such a case, the political circuit between the Executive and the nation would pass through Parliament.

A third possibility is the persistent predominance of the Presidency, because of continued divisions in the National Assembly, or because a college of 80,000 people is less likely to elect a nonentity than a parliamentarians' congress of eight or nine hundred. If, after the exceptional period of massive non-partisan support for General de Gaulle, the cabinet's authority should continue to rest on the President, the reintroduction of politics in the circuit between the President and the country would become indispensable; the transformation of the present system into a more genuinely Presidential one would have to be undertaken. It is not impossible to conceive of such a change occurring within the present framework. The existence of cabinet responsibility to the National Assembly, regulated as it is, is not the decisive obstacle. One could also point to the change which has revolutionized the electoral college in the United States. If political parties should begin to realize that the conquest of power in the new regime requires no longer the control of Parliament but the election of a President, electoral cartels might be formed for such a purpose.

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[82] The use of the emergency powers of Art. 16 by the President in case of a clash with Parliament seems rather difficult, since when these powers are used "Parliament meets by right." Should the President dissolve the National Assembly first, the constitutional crisis would amount to a constitutional violation and to a breakdown of the system.

Municipal elections themselves might become much more highly politicized because of the decisive role of municipal councils in the choice of the President. However, it is hard to envisage such developments. Furthermore, even if they did take place and turn the Presidential election into a genuinely political contest, the fact that election to the National Assembly does not take place at the same time is a major flaw. An electoral coalition for the presentation of a candidate to the Presidency might not survive until the next legislative election, and the possibilities of conflict between the President and Parliament would then be perpetuated. Even if one believes that a French Presidential system could never function exactly as it does in this country because the French Parliament would remain very different from Congress, clashes between the President and Parliament would be kept to a minimum only if both are elected simultaneously.[83] In other words, the transformation of the present system into a Presidential one is likely to require constitutional reform, whereas evolution towards parliamentarianism (with or without executive preponderance) does not.

In the final analysis, the new Constitution represents a gamble on stability. It strikingly resembles the postulate of the experts who submitted to the de Gaulle cabinet a drastic programme of economic and financial measures in December, 1958. "If the expectation of inflation creates the conditions that breed inflation, the expectation of stability creates the conditions of stability."[84] Whether the expectation of stability is enough to eliminate public indifference to the political system and to restore adequate public participation in rejuvenated parties is another matter. The very limitations on the National Assembly, the distance between the cabinet and the electorate, the distortions produced by the electoral law in the representativeness of the Assembly,[85] the fact that the policy pushed by General de Gaulle and his cabinet—"grandeur," modernization, Algerian pacification, investments overseas—requires great sacrifices from a nation which "is united in hope but not in will,"[86] all these facts condemn observers to caution and doubts. If the electorate itself is to be cured of its past divisions and of its oscillation from apathy to Bonapartist movements, more attention will have to be paid to two problems. As many writers from de Tocqueville to Debré have noted, the tradition of centralization is largely responsible for the vagaries of French political behavior.[87] If measures of decentralization are taken, the presidential electoral college will almost automatically acquire more political meaning; the constitutional effort to give a greater role to France's territorial units will cease being a mere device for curtailing the National Assembly; and the danger of administrative omnipotence will be reduced.[88] Some steps have been made in this direction; others may follow.[89] Secondly, there is the vexing problem of civic education. Here again, Debré has been aware of the effects on the body politic of the passing of the Republican faith which the school system promoted during the early part of the Third Republic.[90] How to find a golden mean between mere official propaganda through control of the radio on the one hand, and on the other a total lack of civic information and education, which exposes the public to the opium of the mass media and the pulls of conflicting interests or slogans, may well be the biggest problem of French democracy.

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[83] See Vedel, *L'instabilité gouvernementale*, pp. 17–18; Duverger, *Demain la République*, pp. 76–7.

[84] *Rapport sur la situation financière* (Paris, 1958), p. 16.

[85] On these distortions see Kirchheimer, *op. cit.*, and Louis Bodin, "Hier, La République?", *Esprit*, Jan. 1959, pp. 183–193.

[86] Raymond Aron in *Preuves*, No. 96, Feb. 1959, p. 13.

[87] See in particular Michel Debré, *La Mort de l'Etat républicain* (Paris, 1947), *La République et ses problèmes*, pp. 46–7. See also S. Hoffmann, "The areal division of powers in the writings of French political thinkers," in Arthur Maass (ed.), *Area and Power* (Glencoe, 1959), pp. 113–149.

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[88] George Lavau believes that a presidential system would be dangerous for French democracy as long as centralization remains what it is today: *Cahiers de la République,* No. 15 (Sept.–Oct. 1958), pp. 61–3.

[89] Recent measures include: the creation of "urban districts" for the joint management of public services by neighboring communes; a weakening of central control on departmental administration (departmental budgets no longer need state approval), and on communes with fewer than 9000 inhabitants (*Le Monde,* Jan. 4–5, 1959, p. 41).

[90] See *Ces princes qui nous gouvernent,* pp. 161 ff, and Marcel Merle, "Réflexions sur le problème du civisme," *Revue Française de Science Politique,* Vol. 8 (Dec. 1958), pp. 782–802. Since this essay was written the following studies have appeared in France: the March 1959 issue of the *Revue Française de Science Politique,* devoted to the Constitution, and Maurice Duverger, *Droit Constitutionnel et Institutions Politiques,* Vol. II: *le régime politique français* (Paris, 1959).

THE FRENCH CONSTITUTION OF 1958:

II. THE INITIAL DRAFT AND ITS ORIGINS

NICHOLAS WAHL
Harvard University

Like any important institutional change, the new French constitution owes its parentage to an established doctrinal tradition, the particular ideas and experiences of its authors, and the combination of immediate political circumstances. The complexity of this process in the summer of 1958 and the failure of the French government to publish the records of the drafting, make it difficult even a year later to describe the birth of the document.[1] Yet the fact that the drafting closely followed a short though dangerous *crise du régime*, and that it was primarily the work of the new Ministry rather than a constituent assembly, presents a meager advantage to the student of the new constitution.[2] For the haste with which General de Gaulle's government prepared the initial draft—while at the same time preoccupied with many other pressing matters—

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[1] The new constitution was promulgated on October 4, 1958 (*Journal Officiel*, October 5, 1958) after having passed through five formal stages: 1. Preparation of the initial government draft, made public on July 29, 1958. 2. Deliberation of the Consultative Constitutional Committee (C.C.C.) whose recommendations for changes in the initial draft were presented by its chairman, Paul Reynaud, on August 14, 1958. (The records of the Committee's debates have not been published. For the text of its recommendations see *Journal Officiel*, August 20, 1958.) 3. Consideration of the Committee's recommendations by the government between August 14 and August 26. 4. Presentation of the government draft to the Council of State for its advice on August 27, 1958. (The Council's report has not been published.) 5. After publication of the final government draft on September 4, 1958, presentation for popular approval, and adoption, in the referendum of September 28, 1958.

The first authoritative and detailed study of this whole process is: François Goguel, "l'Elaboration des Institutions de la Constitution du 4 Octobre 1958," *Revue Française de Science Politique*, Vol. 9, No. 1 (March 1959). Given the nature of the drafting process, newspaper coverage was inadequate and irregular. The best reporting was to be found in *Le Monde* and in *Paris-Presse-l'Intransigeant*. Useful parallel presentations of the initial government draft of July 29, the recommendations of the Constitutional Consultative Committee (C.C.C.), and the final text approved in the referendum, reveal the evolution in its broadest lines, and are to be found in: Marcel Prélot, *Pour Comprendre la Nouvelle Constitution* (Paris, 1958); and Georges Berlia, "Chronique Constitutionnelle Française," *Revue du Droit Public et de la Science Politique en France et à l'Etranger* (Paris: September–October 1958).

[2] Of the dozen or so books dealing with the events of May–June 1958, the three most useful for an understanding of the Paris political situation and the making of the de Gaulle government are: Merry and Serge Bromberger, *Les 13 Complots du 13 Mai* (Paris, 1959); J. R. Tournoux, *Carnets Secrets de la Politique* (Paris, 1958); Jean Ferniot, *Les Ides de Mai* (Paris, 1958). The texts of the parliament's grant of decree powers as well as the constitutional law of June 3 under which the government was empowered to revise the constitution are to be found most conveniently, accompanied by commentary, in Berlia, *op. cit.*

strongly suggests that the drafters simply cast into legal text the program of the familiar opposition movement, formed by the General over a decade before, specifically to accomplish constitutional reform.

Even a simple comparison of the innovations of the 1958 document with the reform program of various Gaullist movements since the Liberation, reveals that this is indeed the case. The intellectual sources of the constitution, then, are relatively easy to describe and the second part of this article will establish direct links between the new institutions on the one hand, and on the other hand the critique of traditional French parliamentarism, the philosophy of governing, and the specific plan for new institutions that have long been associated with de Gaulle and his followers. However, since neither these innovations nor the reform movement that sponsored them are at all novel, an attempt will be made in the third and last part of the study to examine the doctrinal tradition and the historic background that mothered Gaullism. These more general considerations may help us to understand the intentions of the drafters as well as to judge the validity of the premises on which they proceeded.

But before this can be done, it is necessary to establish primary Gaullist responsibility for the authorship of the initial government draft made public on July 29, 1958 (*l'avant projet de la constitution*). It is the purpose of the first part of the article to accomplish this by analyzing the process that led to the July 29 draft. From interviews held regularly throughout the drafting period with Michel Debré, de Gaulle's Minister of Justice charged with preparing the government's proposed constitution, from occasional interviews with members of his working party of experts, and on the basis of an examination of a series of working drafts supplied by the Ministry of Justice, the author has been able to study the genesis of the initial government draft.[3]

The task was complicated by the fact that General de Gaulle came to power formally in the manner traditional to French parliamentarism—that is, as leader of a coalition government. As will be seen below, the initial government draft was at least partly the work of non-Gaullist members of the cabinet who, although in recent years increasingly predisposed to serious constitutional reform, had nonetheless been long hostile to specific Gaullist innovations.[4] But de Gaulle's concessions to the non-Gaullist views took place in the secrecy of his cabinet meetings and private negotiations, and hence they must remain matters for speculation, save for those modifications revealed in interviews to the press, to the author, or described in the few studies of the drafting process published thus far.

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[3] The working papers placed at the disposition of the author are not a complete set, although care was taken to include drafts representative of the whole initial drafting stage. The reasons why it was impossible to unite a complete set will be discussed below in connection with the drafting method. After the drafting stage was completed the archives of the working party were added to the cabinet archives and hence are not available for study. Where reliable newspaper accounts of the drafting have been used, a citation is supplied. Otherwise the information comes from the working papers, which usually bore no special identification, or from interviews with the following persons directly involved in the drafting: Michel Debré, Jean Mamert (regular meetings from June through December); Raymond Janot; Léon Noël (member of the C.C.C.); Christian de la Malène (personal assistant to Debré). Other cabinet members interviewed were Edmond Michelet and Jacques Soustelle. Finally, regular meetings were held with General de Gaulle's personal assistant, Olivier Guichard. The author wishes to express his thanks for all the assistance so provided. It goes without saying that the conclusions—and the errors they may contain—drawn from the interviews and the working papers examined by the author, are his responsibility alone.

It should be added that while the initial drafting stage described below did not produce the final document, it nevertheless did offer a picture of the authors' earliest objectives—a picture that, when coupled with the description of its intellectual origins, provides further insights into how the constitution might henceforth be applied by the drafters-now-become-rulers.

I

It can probably be said safely that no one, including—indeed especially—the document's principal author, will ever really know just how the Fifth Republic's constitution was drafted. If present plans mature to publish some of the working papers, as well as the deliberations of the Constitutional Consultative Committee, the story so presented can hardly be an exact reproduction of the actual proceedings. Political reasons will have something to do with this, but the chief obstacle will be the chaotic method adopted during the first month of drafting and the drastic change in method that occurred ten days before the initial draft was completed. Another factor was the running controversy between Debré, defending traditional Gaullist ideas, and de Gaulle's Ministers of State, representing the principal parties in the government's majority, who insisted on their own proposals or opposed certain of Debré's innovations. To buttress their arguments before de Gaulle, they did not hesitate to imply that if changes were not made they would not be responsible for their parties' reaction at the referendum.[5] Finally, the pressure of time and the imperfect working conditions were such as almost to exclude the existence of orderly files and records. In brief, whatever ultimately emerges as an "official" history will surely describe an order imposed after the fact and not a complete reflection of the actual situation.[6]

The politics of the initial drafting passed through three stages, roughly in sequence, though often with sudden switchbacks. In the first stage, from June 12 to early July, Michel Debré naturally dominated the writing and the articles being produced closely reflected his ideal constitution. In a second and shorter stage, July 16 to 20, the Ministers of State made a number of important modifications in Debré's articles during the meetings of the cabinet committee in charge of the constitution. Then, in a third stage extending from this time through the consideration of the whole draft by the full cabinet, Debré, with the apparent approval of de Gaulle, succeeded in adding several features that the Ministers of State had criticized.

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[4] *Cf.* François Goguel "Vers une nouvelle orientation de la revision constitutionnelle," *Revue Française de Science Politique*, Vol. 6, No. 3 (July–Sept., 1956).

[5] François Goguel, before the Anglo-French Conference, Nuffield College, Oxford, December 5–7, 1958, First Session (Unpublished minutes), p. 7. (Henceforth referred to as "Oxford Conference"). Goguel, as Secretary General of the Council of the Republic and a leading authority on French political institutions, was close to the drafting process.

[6] The author personally viewed part of the archives of the working party during the summer of 1958 and can testify to their disorganized state. Crowding at the Ministry of Justice, frequent changes of venue of the principal drafters, shifts of operations to the cabinet at the Hotel Matignon, and, above all, overwork on the part of the secretary of the working party, were responsible for this condition.

The chaos of the drafting process was prefigured in the complete lack of plan and serious forethought with which the de Gaulle government was formed. That Debré would be in charge of the constitution was beyond doubt. But that he would be able to finish the job in a reasonable time was seriously questioned at the beginning, when the General casually offered him the Ministry of the Interior with its many pressing administrative duties. However, after a period of waiting Debré was assured the Ministry of Justice, and after clearing with the General the broad lines of the new constitution, he set about creating his working party on June 5.[7] He chose as his personal assistant for the drafting Jean Mamert, a young *auditeur* on the Council of State, who had been associated with him in his political battles of recent years and had no particular expertise in constitutional law. Two days later they met with Raymond Janot, *maître des requêtes* and secretary general of the Council of State, whom, on the recommendation of a former colleague now de Gaulle's staff director, the General named his special assistant in charge of liaison with the working party. In establishing the list of members there apparently was never any suggestion of choosing outstanding constitutional lawyers or professors. Indeed, it was decided that even full members of the Council of State would be avoided in favor of young *auditeurs* and *maîtres des requêtes* chosen on the criteria of personal acquaintence or political sympathy rather than professional competence alone. This was understandable, of course, for it was to be a drafting body working under the direction of Debré, a man who had spent the past fifteen years thinking, writing, and debating constitutional reform, who was trained in the law and had been in the Council of State before the war, and who considered himself a political scientist by both vocation and avocation.[8]

Of the eight young men—other than Janot and Mamert—who at one time or another served on the working party, six were *maîtres des requêtes* and two were *auditeurs;* only one of the eight had by his writings achieved a reputation in constitutional law independent of his work for the Council of State. At least five had been active in Catholic political or social organizations; one of these was a close political associate of Jacques Soustelle. The composition of the group reflected political affinities more than outstanding technical competence which, while undoubtedly present in such a group of elite civil servants, was not vital for casting into written form institutions that had been conceived of long ago by students of constitutional law.[9]

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[7] Information about the organization of the working party came principally from Jean Mamert, its secretary, and from Debré. The material presented henceforth is based on interviews with them as well as with Raymond Janot, and on the working papers. Other printed sources are noted.

[8] Michel Debré was attached to General de Gaulle's staff in 1945 and placed in charge of the administrative reforms then being undertaken. In this capacity he concerned himself particularly with the creation of the *Ecole Nationale d'Administration* and the *Instituts d'Etudes Politiques* throughout France. He has written for the *Revue Française de Science Politique:* see his "Trois Caractéristiques du régime parlementaire français," in Vol. 5, No. 1 (January–March 1955).

Since formally the new constitution was to be presented for popular approval by the de Gaulle government collectively, delegates of the Ministers of State representing the major parties in the General's majority, as well as overseas France, were also to serve on the working party. Guy Mollet (S.F.I.O.) and Pierre Pflimlin (M.R.P.) chose members of the Council of State who were already serving on their staffs and who had previously advised them on constitutional matters. Félix Houphouet-Boigny (*Rassemblement Democratique Africaine*), the deputy from the Ivory Coast, and Louis Jacquinot (Independent), chose *agrégés de droit*, one of whom had in 1944–1945 served on the staff of René Capitant, a former Gaullist constitutional theorist. In addition to these delegates charged with relaying the views of the principal non-Gaullist cabinet members, there were two observers: one from the legal section of the Ministry of Foreign Affairs and one from the political services of the Ministry of the Interior.

Work was begun at a plenary session of the group on June 12, by which time Debré and Janot had thoroughly consulted the General as to his specific institutional preferences.[10] The Minister of Justice outlined the major provisions he had in mind and then in succeeding plenary sessions each title was discussed and sketched in broadly. Then the working party was divided into teams of two and three, each being assigned to the drafting of a different title (*e.g.*, the President of the Republic, the Government, Parliament). Coordination among the teams was assured by the group's secretary, Jean Mamert, and further homogeneity of view was assured by the plenary sessions presided over by Debré.

Major trouble first arose when the rough draft of various titles was submitted to the cabinet committee for discussion. The latter was composed of de Gaulle, Debré, the four Ministers of State, their delegates to the working party, and René Cassin, who was vice-president of the Council of State and one of the first civilians to rally Free France in 1940, serving during the war as de Gaulle's legal advisor. The committee was usually presided over by the General, assisted by Raymond Janot, and with Debré naturally serving as *rapporteur*. Its first meeting took place on June 13 with Debré presenting his ideas in general terms.[11] Subsequent meetings that month, as far as can be learned, were held on June 23, 26, and 30. After discussing the working party drafts, they sent these back for rewriting. But while this method seemed to assure at least some compromise between Gaullist and non-Gaullist ideas, it also slowed down the progress of drafting considerably. By the first week in July the cabinet committee, whose members had to meet continually on other government matters, was far behind the working party in its deliberations. On July 7, although completed drafts of three titles had been presented to them, discussion was still centered on the first title they received, that concerning the President of the Republic.[12] And even though at each meeting two or three articles were approved and referred back to the working group for redrafting, they were often brought up again at a subsequent meeting.

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[9] It should not be forgotten that the constitutional law of June 3 practically gave the government *carte blanche*. De Gaulle and Debré knew what they wanted in the constitution and under the extreme press of time they sought to avoid unnecessary controversy at the first drafting stage. Moreover, a man like Debré, in the opposition since the Liberation, knew relatively few high civil servants from direct professional association.

[10] Since he had not been a close political associate of de Gaulle, Janot was only generally acquainted with his new chief's constitutional ideas. During the first week in June the General's personal staff was obliged to rush a large documentation on de Gaulle's twelve-year record of constitutional critique to educate the new assistant in charge of these matters.

So on July 7 it was decided to clear up the working party's back-log of articles. For the next three days the cabinet committee met almost without interruption, ending with a long meeting on July 10 at which de Gaulle brought in the Minister of Overseas Territories to give his views on the constitutional options to be presented to France's dependencies.[13] No agreement on this Community chapter could be reached, however. Moreover, the confusion and delay caused by the shuttle between the cabinet and the working party inspired de Gaulle to decide upon a sudden and radical change in method. He ordered Debré to find what he termed a "Thebaid," a retreat to which the Minister of Justice and the working party could repair over the July 14 week-end and in solitude and concentration complete their draft, presenting a completed document to the cabinet committee on July 16. Accompanied by Janot, Mamert, one other member of the working party, and a secretary, Debré took his files to the Chateau de la Celle-Saint-Cloud where, while Paris indulged in a particularly ornate Bastille Day celebration, the remaining titles of the constitution were written.

Thus until Debré's return to Paris on the evening of the 14th, no single completed draft existed. The shuttle method, involving simultaneous discussion on the expert level, dominated by Debré's ideas, and on the cabinet level, where political considerations prevailed, not only entailed a dangerous delay, but also contributed to the ambiguities and imprecisions so apparent in the July 29 initial government draft.[14] Incidentally, it makes the historian's task of documenting Debré's original ideas, and how they were altered, extremely difficult: for although the "counter-attack" of the Ministers of State can be located in the week beginning July 16, when the completed working draft was discussed,[15] it must not be forgotten that their delegates on the working party had been relaying their potential and actual objections since the middle of June. Consequently, the draft of the 16th, while mainly Debré's, was nevertheless already somewhat influenced by the views of the Ministers of State.

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[11] *Le Monde*, June 14, 1958.

[12] *Ibid.*, July 13–14, 1958.

[13] *Ibid.*, July 12, 1958.

[14] A partial and summary analysis of these ambiguities and errors is provided in the commentary in Berlia, *op. cit.* A similar analysis, including a list of those articles carried over from the 1946 Constitutions, is to be found in: Peter Campbell and Brian Chapman, *The Constitution of the Fifth Republic: Translation and Commentary* (Oxford: 1958). The only other significant commentaries on the omissions and contrasts with the 1946 constitution are those by Jacques Fauvet and Pierre Viansson-Ponté appended as parenthetical notes to the reproduction of the C.C.C. recommendations (*Le Monde*, August 17–18, 1958) and of the final government text of September 4, 1958 (*Le Monde*, September 6, 1958). There is also the excellent analysis of the first government draft of July 29, in *Le Monde* of July 31, 1958. These three numbers of *Le Monde* are useful for tracing the changes made in the government drafts between July 29 and September 4.

This working party draft resembled in its main lines the initial government draft made public on July 29th, but differed from that draft, and from the final document presented "officially" on September 4th, in being structurally shorter, less complex in its provisions, and more uncompromising in its reinforcement of executive power. None of the changes effected by the Ministers of State after the 16th really altered the main features that reflected the principal institutional concerns of de Gaulle and Debré. Yet the concessions the latter made are of considerable interest.

De Gaulle's "must" provisions all dealt with the President of the Republic: the chief of state had to be also in effect the chief of the executive, hence the new appellation of Prime Minister for the head of the government and his direct nomination by the President; the President had to be chosen by a special electoral college that made him head of the Community as well as of the Republic, and that legitimized the vast new emergency powers he was to enjoy; he had to have the unlimited power to dissolve the National Assembly.[16] As will be seen below, all these reforms had been proposed by various movements and political leaders since the early years of the century. But de Gaulle's genuinely novel institutional demand, at least in terms of French republican history, was his insistence on unfettered emergency powers for the President—ultimately embodied in Article 16.[17]

Debré, of course, shared all of these views, as well as the idea of writing into the constitution the incompatibility of ministerial and parliamentary mandates, unknown to republican constitutional practice but again a long standing goal of the reform tradition.[18] His own peculiar minimum requirements involved constitutionalizing a "rationalized" legislative process,[19] as a further guarantee of the rigorous separation of powers to which both he and de Gaulle were committed and which they considered the fundamental characteristic of the new parliamentary system they were creating. What Debré meant by this rationalization was the comprehensive and nominative definition of the domain within which legislative enactment was to be constitutional, as well as the detailed provisions for the process itself. Debré also insisted upon a genuine means of determining the constitutionality of laws—hence the proposal for an effective Constitutional Council, again something foreign to French practice.

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[15] François Goguel, Oxford Conference, p. 6.

[16] *Ibid.*

[17] For an elaboration of this point in terms of de Gaulle's personal experiences, see below, part II.

[18] This reform had been much discussed during the last years of the Fourth Republic. M. Léon Noël, as a Gaullist deputy, offered a resolution to this effect on March 23, 1955. It was again introduced as part of a larger program of reforms, many of which foreshadowed those of 1958, on June 6, 1956 by the young deputies who organized themselves in an "Intergroup of Newly Elected" and appeared serious about their reform intentions. Their leader, M. Pascal Arrighi, took part in the Algiers coup of May 1958 and describes this as well as the 1956 reforms in his *La Corse: Atoût Décisif* (Paris, 1958).

[19] François Goguel, Oxford Conference, p. 6.

On the subject of Fourth Republic reform efforts—measures to insure ministerial stability by complex limitations upon use of the confidence vote and the censure motion—Debré and de Gaulle expressed little interest. With the President's unfettered power of dissolution Debré undoubtedly considered that classic parliamentary procedures for the confidence vote and a censure motion—the latter limited perhaps by requiring a minimum number of signatories who could not repeat their request in any one session—were sufficient to insure stability. It should be noted, in passing, that this formal attachment to the essentials of parliamentary government on the part of Debré and de Gaulle greatly facilitated their gaining the grant of constituent power on June 3. At the pre-investiture conversations on May 31 parliamentary leaders were relieved to learn that de Gaulle did not intend to install a presidential system. They knew that their reform discussions over the previous year had been largely aimed at countering the presidentialist arguments of a number of law professors.[20]

Prior to June 3 non-Gaullist reform efforts had been directed toward devising careful procedures that made it more difficult for governments to lose confidence votes or to be censured. During the last days of his government in May, Pierre Pflimlin tabled a final reform resolution that, in its vain effort to save the Fourth Republic, went further than any previous proposal toward revising the 1946 constitution. Indeed, Pierre Mendès-France was politically if not constitutionally correct when he called it a "suit cut to measure for General de Gaulle."[21] Among the measures foreshadowing the 1958 constitution, Pflimlin proposed to shorten parliamentary sessions to five months, to extend government decree powers to matters formerly reserved to legislation, and to hasten passage of earlier reform bills that prohibited private members from initiating expenditures or cuts in revenue, and practically eliminated interpellation.[22] Thus in intention, if not really in fact, the Fourth Republic had taken a last-minute step toward serious constitutional change which, if nothing else, created a more receptive climate for the even bigger changes to come. It should be noted, however, that most attention was given to measures assuring the longevity of a ministry without risking a serious threat to the life of the Assembly by dissolution. This undoubtedly remained uppermost in the minds of Pflimlin and Mollet when they later insisted on incorporating into the constitution the complex proposals for the confidence vote procedure that had been offered in the last reform bills of the Fourth Republic.[23] Perhaps they felt that the simpler, more traditional method would lead more easily to dissolution, or recourse to the referendum—in both cases a direct appeal to public opinion which traditional French parliamentarians have sought to keep to a minimum.

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[20] This is especially evident in Paul Coste-Floret's report for the Committee on Universal Suffrage and Constitutional Laws concerning the first series of reform bills proposed since the 1954 changes. It has been printed as *Annexe au procès-verbal de la séance du 26 Mars 1957, Débats Parlementaires, Assemblée Nationale.* The movement in favor of presidential government is more fully discussed by Stanley Hoffmann in the accompanying article, above.

[21] *Le Monde,* May 24, 1958.

[22] The full provisions of the Pflimlin resolution of May 23, 1958 are reproduced in Berlia, *op. cit.*

Newspaper accounts as well as an examination of the available working party drafts, reveal that de Gaulle and Debré made numerous other minor concessions both to outside opinion and to their colleagues. Between June 6 and 10 de Gaulle talked with various visitors of his old scheme for a tripartite upper house, each section having a separate legislative as well as representative function—territorial, federal, and corporative.[24] But in the face of the problems involved in choosing the representatives of the "economic, social and familial interests," as well as the hostility of his trade union interlocutors, this idea was abandoned by the third meeting of the cabinet committee on June 26.[25] Debré had originally wanted a constitutional limit on the number of ministerial departments for reasons of administrative efficiency as well as for a further curb on parliamentary ambitions. This along with a fleeting interest in a six-year parliamentary term was also quickly dropped in the face of objections.

France's new relations with her overseas territories occasioned more concessions by Debré. He had long been hostile to complex federal schemes, for he felt that in France's weakened condition federalism would be tantamount to a continual process of renegotiation of federal ties, ending with independence.[26] He originally wanted a simple system in which each territory opting for autonomy instead of departmental or territory status would have the extent of its autonomy determined by a constitutional provision listing the mandatory areas of common decision. As will be seen below, Debré was obliged to make serious concessions on this matter.

Long convinced of the need to encourage the creation of governing majorities, Debré first proposed at least a simple mention in the constitution of the principle of the future electoral law. But before the hostility of the Ministers of State and the fact that the June 3 grant of decree powers specifically denied the de Gaulle government the right to alter electoral legislation, he allowed the second meeting of the cabinet committee to bury this proposal.[27]

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[23] The provisions were in the reform bill voted by the National Assembly on March 21, 1958, almost three years after the original resolution had been passed. The text is in Berlia, *op. cit.*

[24] The idea was first expressed publicly by de Gaulle in his Bayeux speech of June 16, 1946. Charles de Gaulle, *Discours et Messages 1940–1946* (Paris, 1946) pp. 721–727. It was clearly inspired by the Christian social tradition of corporatism which influenced many Resistance schemes of a similar nature. *Cf.* Paul Coste-Floret, "Quelques Idées sur la constitution de demain," in H. Michel and B. Mirkine-Guetzévitch (eds.), *Les Idées Politiques et Sociales de la Résistance* (Paris, 1954), pp. 280 ff. It was later incorporated into the official R.P.F. program at the movement's congress of 1950. A brief sketch of its provisions is offered in Louis Vallon, *Le Dilemme Français* (Paris, 1951), pp. 172–173.

[25] Michel Debré informed the author that he was opposed to the organization of elections within professions for the selection of delegates to a corporative body. Given the lack of unity among French trade unions and professional organizations, any method of nomination would have been contested.

[26] *Cf.* Michel Debré, *Ces Princes qui nous gouvernent* (Paris, 1957) pp. 173, 179.

On the other hand Debré maintained almost to the end his insistence on allowing only four non-specialized permanent legislative committees, in the British tradition. Similarly he sought to keep the list of enumerated subjects of legislative competence in Article 34 to an absolute minimum. Thus it was not until the last week of deliberations in the cabinet committee that education, social security, and labor regulations were added to parliament's lawmaking power and at the same time withdrawn from the *pouvoir réglementaire* where Debré had wanted them.[28] It was only at that time also that the rather alarming provision was temporarily dropped which would have empowered the government, in the Council of Ministers, to arraign before the special political jurisdiction of the High Court of Justice anyone (toute personne) formally indicted with threatening the "security of the state."[29]

Debré had from the beginning urged a less rural electoral college for the President of the Republic, one in which the mayors of the roughly 30,000 rural communes would not automatically be predominant.[30] And he was not opposed to by-elections for replacing deputies who had resigned after becoming Ministers, thinking for a time of permitting them to run themselves for reelection immediately, as in England prior to 1926. In these two cases, as in a number of others, the "conservative" views were held by the Ministers of State.[31]

Finally, one of the most controversial innovations of the working party, which was not included in the final government draft, was a title dealing with political movements. Clearly the intention had been to strike at the Communist party by constitutional means. For besides simply stating the principles embodied in the present Article 4, the title provided for an official registration of parties and for the compulsory filing of their statutes and annual financial reports with the Constitutional Council. In case the Council found an infraction of the "democratic" and "national" standards required of parties, it could call upon the government to request the High Court of Justice to dissolve the incriminated movement.

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[27] See Berlia, *op. cit.*, for the text of the June 3, 1958 law granting the de Gaulle government special decree powers. Debré's intentions concerning the electoral law and the constitution are discussed in *Le Monde*, June 14, 1958 by Fauvet and Viansson-Ponté.

[28] This is revealed by the fact that a draft dated July 26 included these subjects while one six days earlier did not. Debate in the cabinet committee had earlier succeeded in adding to parliament's competence such important matters as nationalizations, the exercise of civil rights, military service, inheritance laws and nationality laws. *Cf.* Goguel, "l'Elaboration des Institutions . . . etc.," *op. cit.*, p. 77.

[29] A modified form of this provision reappears in the C.C.C.'s amended version of Article 64. In its final version in Article 68 of the constitution it is even further revised to apply only to accomplices of ministers indicted for plotting against the state.

[30] François Goguel, Oxford Conference, p. 3.

[31] *Ibid.*, p. 13a.

The matter of a party clause was first publicly raised in the C.C.C. by a conservative deputy, M. Bruyneel. After much debate it was included among the recommendations of the Committee with an appended reference to an eventual organic law that would fix the application of the clause.[32] This threat of making the simple declaration of principle into a real tool of the government against an undemocratic or anti-national party, reminiscent of the party title discussed in the working party, was dropped from the government's final draft as presented in September. Whether de Gaulle was responsible for this decision, after personal reflection or upon the pleas of his cabinet colleagues, or whether it was the Council of State's concern over the difficulty of applying the principle under French law, is not known.[33]

The second and third stages in the politics of drafting began on July 16 when the cabinet committee considered the working party's completed draft. During the next three days of intensive discussion the Ministers of State succeeded in getting adopted a number of minor changes. Guy Mollet reminded his colleagues of his party's hostility to by-elections and it was decided that the method of replacing deputies who had become Ministers should be determined by an organic law, with direct election prohibited.[34] Pierre Pflimlin insisted on surrounding the confidence vote with the further safeguards of his May reform bill. As it finally appeared in Article 45 of the July 29 draft, his provision for obliging the opposition to muster an absolute majority behind a censure motion if it is to challenge a government that has engaged its life on a bill or on its program, was combined with Debré's requirement for a minimum number of signatories who, in case their attempt failed, would be disqualified from signing another motion for the rest of the parliamentary session. Moreover, Pflimlin further complicated the article, over the objections of Debré, by insisting on the "passive enactment" clause: automatic adoption of a bill on which the government has engaged its existence unless a censure motion is voted—with only affirmative votes being counted toward the requisite absolute majority.[35]

Serious controversy on the overseas clauses developed when Debré's centralizing views collided with the more federalist ideas of the other cabinet members. His proposals for the mandatory areas of "common" federal concern —and thus in fact French predominance—were opposed by the Ministers of State who insisted upon leaving this question to negotiation between France and the individual autonomous states. Finally a draft of Article 69 of the July 29 text was arrived at in which the areas of federal legislative competence were clearly limited to a minimum, but were obligatory for all territories joining the federal system—not yet called the Community. This in turn proved unacceptable to the Ministers of State and after more debate, apparently through the full cabinet meetings of July 23 to 25, the word *obligatoirement* in connection with the application of the list of common areas was changed in the July 26 draft to *sauf accords particuliers*, reflecting the more supple approach of the federalists among the cabinet members.

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[32] It appeared as Article 2a among the C.C.C.'s recommendations. The full report of the Committee, including the letter of transmittal from its president, Paul Reynaud, is in *Journal Officiel, Lois et Décrets,* August 20, 1958. Less complete is the reproduction in *Le Monde,* August 17–18, 1958. Only the recommendations are to be found in Berlia, *op. cit.,* and Prélot, *op. cit.*

[33] The report of the Council of State has not been made public. Accounts of its deliberations on the party clause are found in *Le Monde,* August 29, 1958, and *Le Figaro,* August 28, 1958.

[34] *Le Monde,* July 20–21, 1958.

[35] François Goguel, Oxford Conference, p. 2.

In the same way the other members of the cabinet obliged Debré to reduce the length of any state of siege without parliamentary extension from the original two months to one month, and finally to fifteen days. In the final version of the present Article 36 it has still further been reduced to twelve days. And a further effort was made to limit the extraordinary scope of the executive by making the use of the presidential emergency powers conditional upon at least the consultation of the Constitutional Council, if not upon its explicit approval. The Ministers of State also tried to limit the vastly increased decree powers conferred upon the government by the working party's clause defining the areas to which legislative enactment was limited. Debré, logically enough, insisted that by virtue of this limitation all past statutes dealing with matters henceforth reserved to the government's *pouvoir réglementaire,* should be subject to modification by simple decree. The cabinet committee evolved a compromise by which the government had eighteen months after promulgation of the constitution to decree which past legislative texts should henceforth be subject to modification by executive orders. Ultimately, however, Debré's original view prevailed, perhaps in return for a concession on his part. Since bargaining was involved in the coalition nature of the cabinet, it is not impossible that Debré purposely exaggerated his original requirements in order to have more room for maneuver.

One of the last completed drafts prior to publication on July 29th was dated July 26. It bears evidence of an awareness by Debré and the working party of the many ambiguities and drafting errors produced by haste and imperfect methods: throughout there are handwritten corrections and additions of words and phrases meant simply to eliminate confusion and redundancies. The contents of this near final draft, with at least three full cabinet meetings behind it, reveal that the third stage of drafting politics had begun—that is, the further addition of measures limiting the National Assembly's powers and strengthening the executive. In line with Debré's old desire to reform parliamentary mores, the formerly vexing problem of determining the salaries of parliamentarians was resolved by relegating it to an organic law. Then Debré, acting as a Senator (after being reminded of the predominance of his colleagues over deputies in any joint meeting), indirectly increased the legislative influence of the upper house by providing explicitly that there be as many Senators as Deputies on the conference committee charged with reconciling differences in legislative texts.[36] Actually, de Gaulle had insisted throughout the drafting upon the reinforcement of the Senate as a possible source of government support in case of conflict with the Assembly.[37] Although the matter of ministerial responsibility to the upper house was left open by the wording of the constitutional law of June 3,[38] fear of socialist hostility to the new constitution prevented de Gaulle from urging such an obvious violation of an ancient socialist taboo—the weak Senate.

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[36] All drafts through that of July 26 spoke simply of a *commission mixte.* Only in the final draft of July 29 was the word *paritaire* added.

Finally, a significant last minute alteration of the Presidential emergency powers clause should be noted. In the July 26 draft the conditions for invoking these powers included only external dangers involving grave and immediate threats to national independence and territorial integrity, besides conditions preventing the execution of international agreements. Between that draft and the publication of the July 29 draft another occasion for employing the emergency powers was included: a grave and immediate threat to "the institutions of the Republic," wording that has remained in the present text of Article 16. It may be that this was added simply to enable the President to fulfill his duty, under Article 5, of assuring "the regular functioning of the governmental authorities." (. . . *le fonctionnement regulier des pouvoirs publics* . . .) But it is also possible that it was meant to "cover," with a more specific constitutional justification, any action under Article 16 that a future President might want to take against internal subversion.

After final approval by the cabinet over the weekend of July 26–27, the government draft was printed in the so-called *Cahier Rouge* edition (after its binding), distributed to certain political and administrative dignitaries, and officially presented to the press and to the C.C.C. on July 29. De Gaulle's original proposal for the constitutional law of June 3 provided for no other stage in adopting the new charter, short of the referendum, than "consultation of qualified personalities and . . . advice of the Council of State."[39] It was only after the intervention of parliamentary leaders that he amended this to provide in the actual bill for a specific consultative organ composed of a majority of parliamentarians. This was probably to forestall easy parallels with Marshal Pétain's constitutional law of July 10, 1940.[40] But de Gaulle never allowed the parliamentarians to hope that the C.C.C. would have more than the granted advisory function: after the third meeting of the cabinet committee on July 26 it was recalled that while the C.C.C. could make recommendations "within a certain margin," final word would rest with the General.[41]

Yet Debré and de Gaulle nonetheless took great pains to assure favorable treatment of their draft by the Committee, for they actually expected difficulties from a group dominated by men of the "system."[42] Thus great care was taken to include among the government's thirteen nominees to the thirty-nine member body a maximum of loyal Gaullists, and energy was spent to influence the choice of the parliamentary nominees who would constitute the majority. Of the thirteen named by the government, three had been active militants and officers of de Gaulle's Rally of the French People (R.P.F.) and two others were known for their attachment to the General. Among the twenty-six named by the two parliamentary committees of universal suffrage and constitutional laws were the leader of the Gaullist group in the Assembly, the Gaullist chairman of the upper house's committee for universal suffrage, and a former R.P.F. deputy who retained his Gaullist faith in constitutional matters.[43]

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[37] Debré informed the author of de Gaulle's interest in this matter. He mentioned it as essential to parliamentary government in his speech before the Council of State: Michel Debré, *La Nouvelle Constitution* (Tours, 1958), p. 2 and again p. 21. This speech is the best commentary on the constitution by a principal author. It is conveniently reprinted in the special number of the *Revue Française de Science Politique* of March 1959.

[38] It states only: "The Government should be responsible to Parliament." The text is in Berlia, *op. cit.*

[39] *Le Monde*, June 3, 1958.

[40] This explanation is implied by Berlia, *op. cit.* pp. 928–929.

[41] *Le Monde*, June 27, 1958.

Nor was the C.C.C. left to its own devices as to organization and procedure. Jean Mamert, secretary of Debré's working party, was immediately chosen secretary general of the C.C.C. Raymond Janot, de Gaulle's liaison with the working party, served as official cabinet representative (*commissaire du gouvernement*), and he was accompanied by the expert delegates of the four Ministers of State. And as if this impressive "lobbying" team was not sufficient, de Gaulle and Debré, besides attending the opening session of the C.C.C., returned later—de Gaulle on August 10 to quell anxieties and objections that had developed, and Debré on at least two other occasions during the sixteen days the Committee deliberated.

Thus the very physical presence of Michel Debré at all stages of the drafting procedure is by itself impressive evidence of his personal responsibility for the outcome. He began by choosing the members of his expert working party and he presented them with the original outline of the basic institutional changes. He then personally presided over all the plenary sessions held by this group at the Ministry of Justice. He served as *rapporteur* for the constitution before both the cabinet committee and the full cabinet during all their deliberations on all drafts sent from the working party. He presided over cabinet committee meetings when de Gaulle was absent and he naturally supervised revisions of all cabinet-level alterations. Finally, when drafting bogged down, it was Debré, with three relatively junior civil servants, who retired to the Chateau de la Celle-Saint-Cloud and wrote the remaining clauses of the working party draft. Then after vigorously defending his ideas at the cabinet level, he aided de Gaulle in choosing the government's nominees to the C.C.C., before which he again defended his ideas, as well as the government draft as a whole—and this both in plenary sessions and in the lobbies. After the Committee sent its report, Debré presided over final government revisions, and, with a long and careful commentary, he presented the draft to the Council of State for its advice on August 27th.

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[42] Interviews with members of the working party before and after the deliberations of the C.C.C. revealed that they had vastly over-estimated the difficulties the Committee would make for the government draft.

[43] For a convenient list of the members of the C.C.C., as well as an account of its work that is useful though not revealing, see the pamphlet written by one of its members: André Mignot, *La Nouvelle Constitution: Evolution ou Révolution* (Paris, 1958).

Thus up to the very last moment before official presentation of the document to the people on September 4, 1958, Debré was able to make changes in the final text.[44] His direct control over the preparation of the government draft is, therefore, quite evident. It now remains to examine Gaullist constitutional reform thinking in order to learn how fully Debré wielded his great influence in favor of long maturing plans.

II

Whether it was meant only to hasten them in their efforts, or whether it actually expressed a real personal preoccupation, General de Gaulle's repeated admonishment to his Ministers during early July of 1958 that they were preparing France's "last experiment in parliamentary government," was much bruited about in and out of government circles at the time.[45] It was echoed by Michel Debré in his concluding remarks before the Council of State on August 27: "This constitutional reform is the last chance given to the men and the parties who think that France can remain both a great nation of the world and a democracy."[46] Exactly fifteen years before, Debré had introduced his first constitutional scheme by setting the problem of reform in similar terms: grandeur *by* democratic reform, but democratic reform *for* grandeur. In the clandestine Resistance pamphlet he wrote under the *nom de guerre* of "Jacquier," in 1943, Debré rejected as alternative keys to the post-war French constitutional problem either dictatorship or gradual transformation within the framework of traditional institutions. Rather, he argued, France must adopt "a virile and disciplined form of democracy, capable of restoring to the French people a sense of their duty," based on institutions that could "best restore to France her place in the world."[47]

Raised in an upper class professional milieu, Debré had graduated first from the Saumur cavalry school. He then made a brilliant career on the Council of State, which he joined in 1934, again first on the list of candidates. He entered politics in 1938 as Paul Reynaud's assistant and naturally was caught up in the speculation of the period about the future of democratic government. Opting for the Resistance in 1940, Debré developed in a direction determined by several influences. Background, education, experience, all committed him to economic liberalism and representative institutions.[48] Yet his deep-grained nationalism, his reverence for French history, his exasperated memory of the instability of the thirties, and finally his shock at the collapse of 1940, all directed his attention to a wide range of institutional reforms that might promise French recovery. Too wedded to liberal society to embrace either socialism or fascism, yet too eager for a restoration of French grandeur to be content with a simple return to the old politics, Debré along with many young Resistance leaders evolved towards what has been termed neo-liberalism.[49]

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[44] The last-minute changes are best described in the comments accompanying the final text in *Le Monde*, September 6, 1958.

[45] *Cf. Le Monde*, July 26, 1958. The author heard this pessimistic view relayed by cabinet ministers as well as by the General's personal assistant, M. Guichard.

[46] Debré, *La Nouvelle Constitution*, *op. cit.*, p. 23.

[47] Jacquier-Bruère (Michel Debré and Emmanuel Monick), *Refaire la France: l'Effort d'une Génération* (Paris 1945), pp. 109–114. Debré was responsible for writing Part II, entitled *Institutions*. He makes the same point in an unsigned article that appeared in the Resistance press and is reproduced in Michel and Mirkine-Guetzévitch, *op. cit.*, p. 292.

In 1943 this option meant for Debré a constitutional reform that, while retaining their form and brevity, drastically changed the constitutional laws of the Third Republic. The purpose of this revision, in his mind, was to restore executive power through a radical separation of powers that would recreate the original dualism of the 1875 laws. Debré believed it was basic to parliamentary government that the original executive preeminence be restored. Then, as in August 1958, when he told a journalist that "the only French problem . . . is to see to it that France has a government," Debré's institutional reforms have all been primarily concerned with what he variously calls the government, the state, or *le pouvoir*.[50] And this essential concern for the existence of an effective institution of central decision, while inspired by nationalist motives and the traditional state-mindedness of the career civil servant, was nevertheless also fostered by the neo-liberal belief that "the first defenders of individual rights . . . were those who knew that a state was necessary for there to be citizens."[51]

So for both nationalist and liberal doctrinal reasons, Debré has continually centered his reform thinking upon ways to restore the executive and, in the 1875 tradition to which he was attached, this meant strengthening the chief of state—the prime institution of his 1943 program as well as of the 1958 constitution. Rejecting direct popular election as contrary to French traditions, Debré yet believed France must find as her chief of state a "republican monarch."[52] Since experience had shown that election by parliament would not produce a leader with such independence and prestige, Debré urged election (for he explicitly rejected hereditary monarchy) by a special electoral college composed not only of parliamentarians, but also of representatives of professional organizations, local government officials, and perhaps delegates of the universities and the magistrature.[53] His powers were to be those of the 1958 "republican monarch," and he was to serve, according to Debré, as the "keystone" of the new institutions—the exact term he again used in 1958 to describe the Presidency.[54]

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[48] An insight into his early thinking on economic and social matters may be gained from his doctoral dissertation: Michel Debré, *l'Artisanat, classe social: la notion d'artisan, la législation artisane* (Paris, 1934).

[49] *Cf.* Carl J. Friedrich, "The Political Thought of Neo-liberalism," this REVIEW, Vol. 49, No. 2 (June 1955); and the same writer's review of Debré's principal theoretical work, *La République et son Pouvoir* (Paris, 1950), also in this REVIEW, Vol. 45, No. 4 (December 1951).

[50] The quotation is from an interview in *Le Monde*, August 8, 1958. *Cf.* the same point developed in his *La Mort de l'Etat Républicain* (Paris, 1947), chapter I; his *La République et son Pouvoir*, *op. cit.*, Chapter III; and his *Refaire une démocratie, un etat, un pouvoir* (Paris, 1958), Chapters II and III. The titles alone make the point.

[51] *Le Monde*, August 8, 1958. The same view is developed in his *La Republique et son pouvoir*, *op. cit.*, pp. 31 ff.

[52] Jacquier-Bruère, *op. cit.*, p. 122.

As in the new constitution, Debré in 1943 placed the government in second place and endowed it with a large grant of new decree powers by proposing a constitutional restriction on parliament's legislative scope that is even stricter than Article 34 of the 1958 charter. For then, and as he was to repeat over the succeeding years, Debré claimed that the future of parliamentary government depends on a constitution which, as he somewhat vaguely put it, obliges the government *only* to govern and the parliament *only* to control the government's actions.[55] In third place, after the chief of state and the government, came parliament, whose functions Debré limited to the legitimization of government power by a grant of confidence, to defending individual liberties and the general interest, and to providing a source of political leaders. The constitution should permit parliament to fulfill these minimum functions and nothing more.[56]

To prevent parliament from invading governmental functions, Debré urged a smaller lower house, a limit of two sessions of three months each per year, a reduction in the number of parliamentary committees, and provision for automatic adoption of the government's budget in case of parliamentary delays—all items now included in the new constitution. In a further effort to control parliament's legislative functions, and undoubtedly also in a reflection of his neo-liberal fears of a postwar assembly dominated by the communists, Debré suggested the creation of a special court to judge the constitutionality of legislative acts, thus prefiguring the 1958 Constitutional Council.[57] And breaking with French constitutional tradition, he elevated the judiciary to a position of parity with the executive and the legislative, a status at least implied in the wording of Title VIII in 1958: The Judicial Authority.[58]

While he was completing this essay in 1943, Debré began working for the *Comité Général d'Etudes* (C.G.E.), the research and planning organ of the *Conseil National de la Résistance* and the principal source of advice on postwar plans for de Gaulle in Algiers.[59] His interests and professional competence indicated that he should deal with the draft constitution the Committee was then preparing to send the General. The attitude of the group as a whole toward constitutional problems was unique in the Resistance, for while representative of different opinions, it was the only central body in de Gaulle's delegation in occupied France that had no Communist member and only one Socialist, the relatively conservative Robert Lacoste. Moreover, among its members the heavy concentration of law professors, high civil servants, businessmen, and members of nationalist or technocratic resistance movements, gave the group a state-minded outlook closer to General de Gaulle's than to that of the majority of the ideological and left-oriented internal Resistance, which was generally commited to unicameralism, a dominant legislative branch, and proportional representation.[60]

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[53] *Ibid.*, p. 123.

[54] *Ibid.*, p. 124. *Cf.* his unsigned article in Michel and Mirkine-Guetzévitch, *op. cit.*, p. 293 and his speech at the Council of State in 1958, *La Nouvelle Constitution, op. cit.*, p. 16.

[55] Jacquier-Bruère, *op. cit.*, p. 133. The same view was developed by General de Gaulle in his last speeches before the National Constituent Assembly in December 1945. *Cf. Discours et Messages, op. cit.*, pp. 713–716.

[56] Jacquier-Bruère, *op. cit.*, pp. 146–147.

[57] *Ibid.*, p. 154.

[58] *Ibid.*, pp. 157 ff.

[59] On the work of this little known group, tantamount to the Council of State for the Resistance "government" and for de Gaulle at Algiers, see René Hostache, *Le Conseil National de la Résistance: les Institutions de la Clandestinité* (Paris, 1958), pp. 221 ff.

Debré became constitutional *rapporteur* for the C.G.E. and since he was personally responsible for writing much of their "constitution," its striking resemblance to that of 1958 is not surprising. Indeed most of the important innovations of the latter are found in similar form in the 1943 document transmitted to de Gaulle in Algiers.[61] It even included a novel guarantee against arbitrary arrest, clearly a forerunner of the only civil liberty formally specified in the constitution in 1958. For Article 66 of the new constitution, added by Debré in August, represents the first step France has taken constitutionally in the direction of *habeas corpus*.[62]

The major difference between what Debré wrote in 1943 and what he achieved in 1958 lies in the new constitution's definition of the ultimate purpose of the President. For while in 1943 he had already made the chief of state the effective executive, he did not then elevate him as in 1958 to the rank of a veritable fourth power of government—above the legislative, the judiciary, and the ordinary executive. Although this status is perhaps implicit in Debré's 1943 concept of a "republican monarch," it was finally General de Gaulle himself who slowly and explicitly developed the concept of the new Presidency as it is now described in Article 5.

For de Gaulle this process began in June 1940, when as a junior member of the Third Republic's last ministry he viewed from the inside the liquidation of all political authority in the face of onrushing military defeat. During those fateful days he was particularly struck by the fact that "the President of the Republic abstained from raising his voice, even within the Cabinet, to express the supreme interest of the country."[63] Before the Constitutional Consultative Committee on August 10, 1958 de Gaulle recalled those times as he argued in favor of an unlimited grant of emergency powers to the President: "It is unthinkable that at certain moments a man should not be the repository of sovereignty . . . I will never forget, gentlemen," de Gaulle continued, "what

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[60] On the political thought of the Resistance see especially Michel and Mirkine-Guetzévitch, *op. cit.*, and Henri Michel, *Histoire de la Résistance 1940–1944* (Paris, 1950).

[61] Le Projet de Constitution du Comité Général d'Etudes, in *Les Cahiers Politiques*, No. 14 (October 1945), p. 2 ff.

[62] In an interview with the author Debré stated that he considered this article one of the most important innovations of the constitution and that in the context of French law it represents the most that can be accomplished toward approximating *habeas corpus*.

[63] Charles de Gaulle, *War Memoirs: Vol. 1, The Call to Honor* (New York, 1955), p. 80.

President Albert Lebrun said to me: 'I was not responsible . . . if I had been responsible, if I had been able to carry with me legitimacy, I would have left for Algiers.'"[64]

To have been responsible and to have gone to Algiers, de Gaulle insisted, Lebrun—even had he undergone a personality change—would have needed more than the purely customary and tacit functions of the President as guardian of the constitution and symbol of national unity. It was to provide these further powers that he urged Article 16, without which the duties under Article 5 would become meaningless. Actually, all of de Gaulle's experiences since 1940, not to mention his monarchist youth, also contributed toward such a conception of the chief of state: his peculiarly symbolic role as leader of the Free French; his almost abolute monarchic powers as President of the Provisional Government in 1944–1946; his frustration at seeing the customary weakness of the Third Republic's Presidency emerge again in the constitution of the Fourth Republic; his continuing expectation after 1945 that an imminent world war would again bring a catastrophe like that of 1940;[65] his dismay at the liquidation of an overseas empire, the first to rally Free France, and then lost because no institution bound the territories to the Republic affectively as well as effectively; and finally, his consideration of himself as "national capital" to be drawn upon as an ultimate recourse in time of crisis. De Gaulle's first public statement of this theory was at Bayeux, on June 16, 1946, where he inaugurated his campaign against the Fourth Republic's constitution. And later that year he defined the Presidency in terms clearly implying the need for emergency powers.[66]

This elevation of an all-powerful chief of state to a level apart from the normal executive represents a new departure in French constitutional history. It introduces into familiar parliamentary government a dominant "emergency executive," doubling the normal executive with potentially unlimited powers. One might ask whether this powerful integrating institution, armed to offset the natural weakness of a divided society in face of crisis, and specifically charged with conducting foreign affairs, is not in some respect the modern reincarnation of John Locke's fourth or federative power of government?

To return to the C.G.E. draft, it should be noted that in 1943 it was approved by such men as François de Menthon, Paul Coste-Floret, P. H. Teitgen and Paul Bastid, all of whom were critical of the 1958 constitution. But during the war they too shared Debré's ideas, for they all represented that minority of the Resistance which was in the ancient cameralist tradition of the French monarchy. They were modern *légistes*, temperamentally conservative "state republicans" who believed with Jules Ferry that "the Republic must be a government."[67]

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[64] *Paris-Presse-l'Intransigeant,* August 11, 1958.

[65] On December 7, 1941 de Gaulle predicted that the postwar period would see a struggle between the Soviet Union and the U. S. *Cf.* Colonel Passy (pseud. for André Dewavrin), *Souvenirs: 2ᵉ Bureau, Londres* (Monte Carlo, 1947), p. 236. The latter was de Gaulle's intelligence chief in Free France and his view accords with that of other associates of the General interviewed by the author in 1953.

[66] *Discours et Messages, op. cit.,* pp. 743–744.

This, then, was the neo-liberal "other Resistance" which is ultimately as much the inspiration of the 1958 constitution as the generally socialist-oriented, anti-statist majority of the Resistance was the inspiration of the 1946 constitution. Some neo-liberals like Paul Coste-Floret and François de Menthon—both of whom during the war called for a President of the Republic almost identical to the one they opposed in 1958[68]—made peace with the majority and found careers in the Fourth Republic. Others who could not find places in the post-Liberation parties joined de Gaulle for practical as well as sentimental reasons in his crusade against the Fourth Republic.

Of these neo-liberal *légistes* who remained with de Gaulle in the Rally of the French People (R.P.F.), Michel Debré and René Capitant, the law professor who served as de Gaulle's Minister of Education in 1944–1945, were from the outset the movement's principal constitutional theorists. Between them they developed the Gaullist attack on the *régime des partis*, the popular slogan for their elaborate critique of the 1946 constitution. Every reform scheme of the R.P.F. was based on something one of the two had either said or written. After the Liberation, Debré, under the pseudonym of Fontevrault, published his reform suggestions in a regular series of articles that appeared in the journal of the former members of the C.G.E.[69] They had been originally intended as memoranda for General de Gaulle and after the latter's return to private life in 1946 Debré found it natural to continue forwarding them. It was at this time that Debré completed his theoretical justification for radical institutional change, a view he was simply to refine and restate for the next twelve years: the regime of the Fourth Republic could never be legitimate because it could never be able to accomplish the purpose of a truly legitimate political system—the organization of power to serve the national interest.

During the same period Capitant, as a deputy in the first National Constituent Assembly and founder of the first Gaullist party—the *Union Gaulliste* of the summer of 1946—offered an analysis similar to Debré's. But approaching the problem of reform as a moralist, he argued that the illegitimacy of the Fourth Republic was rooted in its essentially undemocratic institutions. For, by having created a sovereign Assembly, organized by massive parties which in turn were dominated by leaders permanently enthroned by proportional representation, the founders of the 1946 regime had once again broken the circuit between government and public opinion.[70] From this analysis came Capitant's—and hence the R.P.F.'s—campaign in favor of adopting the referendum, that instrument of direct democracy which was one of the Bonapartist features of Gaullism, and of which traces are to be found in article 11 of the 1958 constitution.

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[67] *Cf.* Debré's admiration for Ferry in his *La Répubique et son Pouvoir*, *op. cit.*, pp. 151 and 161.

[68] Paul Coste-Floret, "Quelques Idées sur la Constitution de Demain," cited above, note 24, and François de Menthon, "Vers la Constitution de la Quatrième Republique," *Les Cahiers Politiques*, No. 13 (September 1945), drafted originally during the war.

[69] The articles appeared in *Les Cahiers Politiques*, Nos. 15 through 24, the last issue to appear (November 1945–October 1946).

Between 1948 and 1952 Capitant and Debré wrote all the reports, studies, programs and speeches on constitutional reform that were presented at meetings of the movement.[71] Soon after de Gaulle withdrew the R.P.F. from active politics in 1953, Capitant separated from "organized" Gaullism and Debré remained alone in publicizing the now familiar Gaullist themes. In weekly articles, in speeches before the Council of the Republic, in a fiery pamphlet published in 1957, Debré continued to couple with a call for de Gaulle's return, an unremitting exegesis of a constitutional program hardly altered since 1943.[72] It is natural therefore that when he arrived in power in 1958 de Gaulle should have chosen Debré as his constitutional architect and that the latter should have simply presented to his working party a plan that he had long matured and, more important, that he felt had been vindicated by the history of the Fourth Republic.

III

Neither Debré nor Capitant would claim great originality for their reform theories. Debré has acknowledged that his serious thinking about reform was inspired by a lecture René Capitant delivered at the University of Strasbourg in 1936, describing the contribution to French constitutional theory made by his master, Raymond Carré de Malberg.[73] The latter was a relatively unknown theorist, strongly influenced by German political thought, who sharply dissented from the prevailing French school of Duguit, Esmein and Hauriou.[74] The insight that fired Debré was Carré de Malberg's assertion that current theories describing French parliamentary government as a "dualist regime" with true separation of powers were in error. According to the Strasbourg professor, this error was due to the slavish acceptance of Montesquieu's definition of parliamentary government as in fact describing the French system. And this at a time (he wrote his great work before World War I) when the growing dominance of the Chamber of Deputies had, as he put it, replaced popular sovereignty with parliamentary sovereignty, and destroyed the last vestiges of a separation of powers between the executive and the legislative.

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[70] Capitant's speeches during this period are collected in *Premiers Combats pour la constitution: discours prononcés par René Capitant, deputé du Bas-Rhin, Ancien Ministre, à la Première Assemblée Nationale Constituante* (Strasbourg, 1946). See also, especially for the source of the federal ideas adopted by Gaullism: René Capitant, *Pour une constitution fédérale* (Paris, 1946).

[71] Most of these were published only in the internal organs of the R.P.F. See, however, the partial reproduction of some of Debré's R.P.F. plans in his *La République et ses Problèmes* (Paris, 1952), Chapter II, and in Vallon, *op. cit.*, pp. 170–177.

[72] The pamphlet is *Ces Princes qui nous gouvernent*, *op. cit.* During the period in question Debré wrote regular weekly articles for his constituency newspaper, the weekly *Echo de Touraine* (Tours). He also contributed frequent articles to the Paris weekly *Carrefour*, and in November 1957 he founded his own small polemical weekly, *Le Courrier de la Colère*, which ended publication in July 1958.

[73] In an interview with the author in August 1958. *Cf.* his own references to Carré de Malberg in an article written under the pseudonym of Fontevrault: "Vers une crise constitutionnelle," in *Les Cahiers Politiques*, No. 7 (January 1946), p. 63. The speech by Capitant has been published as *Discours prononcé par M. René Capitant, Professeur de Droit à la Faculté de Droit et des Sciences politiques sur l'ouevre juridique de Raymond Carré de Malberg*, in *Annales de l'Université de Strasbourg 1936* (Strasbourg, 1937).

[74] His theory is set forth in: *Théorie Générale de l'Etat*, 2 vols. (Paris, 1920).

Once liberated from the grip of traditional theories that he now considered unrelated to French realities, Debré could give free rein to his constitutional speculations. And indeed the period was one of "plans," study groups, committees, and organized discussion—if often to no end—that ranged over the whole field of institutional change.[75] Capitant's 1936 lecture as well as his writing on constitutional reform during that period was inspired by his experiences in Nazi Germany and by the 1934 *crise du régime* that led to Doumergue's reform proposals and the reopening of the public debate over revision.[76] Until the war this debate was dominated by the conservative politician André Tardieu, whose style as well as analysis is amazingly similar to Debré's.[77] And since the diagnosis is similar—the usurpation of state power by a self-interested parliamentary elite—it is not surprising that Tardieu's remedies should be the same as those of 1958: everything from a strong President of the Republic elected by a large college to a narrow definition of the scope of legislative enactment is included in his program.[78] Although Tardieu soured on democracy completely at the end of his life, in his prime he was, like Debré, a neo-liberal *légiste* whose faith in the state and the existence of a single national interest made him bitterly hostile to existing institutions that seemed to degrade these values.[79]

The most serious reform study group of the thirties was the *Comité Technique pour la Réforme de l'Etat*, formed in March 1935. It was composed of such prewar conservative figures as Jacques Bardoux, Raphael Alibert, Professor Joseph Barthélémy, and Ernest Mercier.[80] The details of the plan they published in 1936 come even closer to the Gaullist constitution than do Tardieu's ideas: thus, for example, they also proposed to write into the constitution a new and "rational" legislative procedure in order to limit parliament's control over executive action. It is therefore ironic that the authors of this plan should have inspired and indeed participated in the rather sham constitution-making that took place at Vichy. Barthélémy, Bardoux and Alibert were all in the government and entourage of Marshal Pétain and hence it is not surprising that their ideas were incorporated almost entirely in the Vichy document.[81]

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[75] The most accessible single source on these activities is E. Reybaud, *Enquête sur les partis et groupements français* (Marseille, 1938). For an earlier period see: J. Carrère and G. Bourgin, *Manuel des Partis politiques en France* (Paris, 1924), and its second edition, published in 1928 by G. Bourgin, J. Carrère and A. Guérin.

[76] *Cf.* Capitant's own contribution to the debate: *La Réforme du Parlementarisme* (Paris, 1934).

[77] Compare passages on pp. vii and 281 of André Tardieu, *l'Heure de la Décision* (Paris, 1934), with Debré's *Ces Princes qui nous gouvernent, passim.*

[78] Tardieu's reform suggestions are in his *Revolution à Refaire: I. Le Souverain Captif* (Paris, 1936) and *II. La Profession Parlementaire* (Paris, 1937). *Cf.* also Alfred Pose, "Les Idées politiques d'André Tardieu," in *André Tardieu* (Paris, 1957).

[79] On Tardieu's retreat from democracy see René Rémond, *La Droite en France de 1815 à nos jours (Paris, 1954)*, p. 218.

[80] Jacques Bardoux, *Ni communiste, ni hitlérienne: la France de demain. Un plan* (Paris, 1937), is a summary of the original plan which appeared as *La France de demain: son gouvernement, ses assemblées, sa justice. Textes du Comité Technique pour la réforme de l'Etat (Paris, 1936).*

That this constitutional thinking should have so resembled that of the Gaullist, Michel Debré, and a substantial minority of the Resistance as well, can only mean that all of these men shared at least a common analysis of the decline of republican institutions together with a common view of what the needed reforms should be—if not a common outlook on the ends toward which the state should proceed. In fact all of them did share the fear that a weak executive, coupled with a dominant legislature led by a self-perpetuating elite, could not prevent national disaster: primarily of an economic nature in the minds of the socially conservative, while of a kind involving further loss of French prestige, for those who were primarily nationalist. The particular combination of liberal economics, authoritarian politics, and militant patriotism that produced this fear appeared in the early years of the present century, soon after the consolidation of the republic following the Dreyfus affair.

The parties that opposed the Radicals and the socialists before World War I were the first to adopt constitutional reform proposals of this sort within the framework of republicanism. As early as 1906 one of them was urging a stronger President of the Republic, to be elected by a college similar to that of 1958.[82] In 1907 another recommended creation of a body resembling the present Constitutional Council, while still another suggested measures for "rationalizing" legislative procedure that are, again, not very different from Title V of the present constitution.[83] Furthermore, all of these groups insisted, as did the Gaullists in the days of the R.P.F., that their reforms were meant to adapt French institutions to a changing world and thereby serve a national interest that self-seeking parliamentarians had forgotten.

IV

This brief effort at tracing the intellectual origins of the 1958 Gaullist constitution suggests at least two conclusions which in turn raise two problems concerning the future of the document. First, it has been shown that the innovations of the 1958 constitution are far from being new solutions to French institutional problems and in fact have been repeatedly put forward by reformers since the beginning of the century. Second, in terms simply of the history of constitutional reform ideas—all questions of ultimate motive for the reforms set aside—it is clear that specific changes wrought by the new constitution have in the past been principally recommended by the French Right.

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[81] The Marshal's "constitution," is in Philippe Pétain, *Quatre Années au pouvoir* (Paris, 1949), pp. 147–159. It should be noted that the Vichy document differs from both the parent plan of the *Comité Technique,* as well as the 1958 constitution, in one vital respect: it gives the Chief of State the power to remove the Prime Minister and his cabinet, thus destroying ministerial responsibility to Parliament and parliamentary government along with it.

[82] Léon Jacques, *Les Partis Politiques sous la Troisième République* (Paris, 1913), pp. 325 ff. This is the only readily available source on the reform movements before 1914.

[83] *Ibid.,* pp. 488 ff, and 352 ff.

This second conclusion does not necessarily mean that the present constitution must be classified as a Rightist document serving conservative political ends. The history of constitutional reform movements reveals that the traditional French Left has never developed a pragmatic critique of French political institutions, let alone a program for real constitutional reform.[84] Even after the consolidation of the Republic and in the face of the obvious breakdown of parliamentarism after World War I, constitutional revision never became a legitimate issue or even a subject of debate for the Left. Thus in the absence of a reform tradition committed to progressive political ends, one might be tempted to say that while originally proposed by conservatives in order simply to weaken the political power of the Left, these same proposals have, in the context of increasing institutional difficulties, taken on an objective justification in terms of the need for governmental effectiveness in the face of new and complex problems.

Unfortunately, however, ideological lag and the dialectic of partisan competition over the years have made for the rigidity of the earliest views of the innovations embodied in the 1958 constitution: the Left still considers them authoritarian and the Right still sees the Left's rejection of the same reforms as proof of its lack of appreciation for the national interest. Thus the problem raised by the fact that the present constitution is in a partisan conservative reform tradition is simply that large segments of French opinion will come to consider it illegitimate. It can not, therefore, be considered to have given France true "mixed government," in the Aristotelian sense, and hence further institutional instability can reasonably be expected.

The first conclusion—namely that the 1958 changes are in fact dated and hardly novel—raises the problem that perhaps old remedies for long existing problems are no longer fully adequate. It may reasonably be asked whether or not fast changing French society will continue to produce the political behavior and the institutional patterns that inspired the constitutional reform tradition of which Gaullism is the most recent exponent. The emergence of a fully industrial society in France is slowly eliminating the social bases of the traditional multiparty system while at the same time it is inspiring a trend toward less ideological politics.[85] While it might be argued that the new constitution will serve to hasten this evolution, it is also possible to say that the assumptions underlying the Gaullist analysis are becoming increasingly invalid.

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[84] This problem is dealt with briefly in the author's unpublished doctoral dissertation: *De Gaulle and the Resistance: the Rise of Reform Politics in France* (Harvard, 1956). Léon Blum in his *La Réforme Gouvernementale* (Paris, 1936) proposes a number of reforms in legislative procedures that are similar to Debré's provisions for "rationalization." But the socialist leader explicitly rejects any constitutional changes in executive-legislative relations and it is not until his wartime *A l'Echelle Humaine* (Paris, 1946) that his views on this began to waver—and in the direction of a presidential system. Jules Moch and Vincent Auriol also proposed constitutional reform during the war, but like Blum they quickly abandoned their wartime ideas upon contact with their party in post-Liberation France.

Thus, just as the conservative background of the 1958 reforms reduces the consensus needed to assure institutional stability, so the dated nature of the reforms themselves might impede France in evolving institutions more fully adapted to both her own changing society and the new problems it must deal with. Whether or not these two problems indeed represent "mortgages" on the future of the 1958 constitution will depend upon the evolution of French politics as well as on the manner in which the document is adapted to those politics.

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[85] On these new trends see Robert Priouret, *La République des Deputés* (Paris, 1959), and René Rémond, "Le nouveau régime et les forces politiques", *Revue Française de Science Politique,* Vol. 9, No. 1, March 1959. In terms of the problems they pose for traditional party politics, see Georges Lavau, "l'Opposition Difficile," in *Esprit* (February 1959). Hoffman deals more fully with this point in the accompanying article.

THE UNION REPUBLICS AND SOVIET DIPLOMACY: CONCEPTS, INSTITUTIONS, AND PRACTICES

VERNON V. ASPATURIAN

*The Pennsylvania State University**

Ever since the constitutional improvisations of February 1, 1944, one of the enigmatic and obscure aspects of Soviet diplomacy has been the precise role of the Union Republics in its execution, administration and procedures.[1] Aside from the participation of the Ukraine and Byelorussia in the work of the United Nations and its affiliated bodies and conferences, little attention has been paid to the role or potential of the Union Republics in Soviet foreign policy. Their apparent diplomatic inertia, however, is misleading, for in marked contrast to their meager formal participation in external affairs is their increasing implication in the quasi-diplomatic maneuvers of the Soviet Government. Furthermore, the juridical capacity of the Republics to embark on diplomatic adventures meets the formal canons of internal and international law, and remains intact in spite of the past dormancy of their diplomatic organs. At opportune moments it may be transmuted into concrete diplomatic benefits.

I. INTRODUCTION

A close inspection of the formal internal administrative and institutional implementation of the Amendment of 1944 reveals more than a dozen diplomatic embryos—at various stages of development—placidly incubating, patiently awaiting the warm rays from Moscow to burst forth fully hatched. The diplomatic inactivity of the Soviet Republics in the past has been due, not so much to the reluctance or refusal of other states to recognize their diplomatic status, as to Moscow's calculated refusal to stimulate their diplomatic reflexes.

Contrary to widespread impression, the participation of the Soviet Republics in Soviet foreign relations finds considerable support not only in Soviet history and constitutional law, but in the doctrine and practice of international law as well. The role of the Union Republics in Soviet diplomacy falls into four distinct phases, each marked by its own peculiarities corresponding to the changing internal and external requirements of the Soviet regime. The first phase—from 1918 to the *de facto* formation of the Union in mid-1923—was characterized by the existence of the Republics as formally independent states with their separate diplomatic establishments.[2] The second period covered the approximate life of the 1924 Constitution and was marked by an institutional centralization of foreign affairs in Moscow, yet within a framework which gave the Republics limited but significant internal administrative responsibility and restricted representation abroad. This phase came to a violent and inscrutable demise about a year before the outbreak of World War II. The third phase covered the years from the purges to the adoption of the 1944 Amendments, a period during which the Republics were deprived of all participation—fictional or otherwise—in the administration of Soviet foreign relations.[3] The current phase, which began with the juridical renovation of the Soviet federation to empower the Republics to maintain separate but subordinate diplomatic establishments alongside the Union, has yet to achieve its definitive contours.

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* Smith-Mundt Visiting Professor of International Relations at the Institut Universitaire de Hautes Etudes Internationales, Geneva, Switzerland, 1958–1959.

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[2] For accounts of the diplomacy of the Republics before the formation of the Union, *cf.* O. I. Chistyakov, *Vzaimootnosheniya Sovetskikh Respublik do Obrazovaniya SSSR* (Moscow, 1955), and *Desyat Let Sovetskoi Diplomatii* (Moscow, 1927).

Juridically the present phase bears a remarkable resemblance to the first, but in actual practice the similarity is more formal than real. The genuine distinctions which demarcate the four phases are to be found neither in the legal nor the ideological shifts of the past four decades of Soviet rule, but rather almost exclusively in the changing security requirements of the Soviet center and its power to impose absolute and undeviating conformity over the periphery of the Soviet multi-national federation, irrespective of juridical formalities. Each phase thus represents distinctions not only in the role of the Republics as actors in Soviet diplomacy, but also as pawns, and so corresponds not only to the internal metamorphosis of the Soviet power structure but also to the rapidly fluctuating balance of diplomatic opportunities in the international struggle for power. This was made abundantly clear by Molotov in 1944:

> During the early period when our State was not yet gathered into one Union State, but consisted of separate parts . . . Comrade Stalin said . . . that 'at that time the Soviet Republics, although they acted together, marched separately, occupied primarily by the problem of their existence.' That was inevitable at the initial stage. When the U.S.S.R. was founded . . . it was decided to unify foreign relations with foreign States in one center. Then was created the All-Union People's Commissariat of Foreign Affairs, in which were vested the powers of the People's Commissariats of Foreign Affairs of the separate Soviet Republics. . . . This was necessary at a certain stage of the development of our State and yielded its positive results by having strengthened the State and highly enhanced its part in international affairs. But even then, as far back as the Party Congress in 1923, Comrade Stalin said: 'We shall still take up the national question more than once, since national and international conditions are subject to change and may still change. I do not preclude the possibility that subsequently we may have to separate certain commissariats which we are now merging in the Union of Republics.'[4]

Whereas in 1922 the danger was that Republics which marched separately might fall out of step, by 1944 the central control was sufficient to ensure that the Republics would act and march in unison even if they possessed the formal capacity to set their own pace. Legal decentralization of foreign affairs for a weak Soviet state might conceivably encourage separatism and invite intervention, but for a powerful Russia it could considerably enhance its diplomatic flexibility and enable it to exploit manifold opportunities in international politics. As in any federal system, legal decentralization of foreign affairs can weaken or strengthen the Soviet position in international affairs, depending upon the cohesion and stability of political power in the center; thus Soviet leaders have always been cognizant of the ambivalent and double-edged character of institutional and juridical forms. Speaking of the Soviets, Stalin warned:

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[3] This phase of Soviet diplomacy, together with an extensive analysis of the complex motives behind the adoption of the amendments and the concrete postwar diplomatic missions of the Republics in Soviet diplomacy, are treated in detail elsewhere by the author in "The Union Republics as Instruments of Soviet Diplomacy."

[4] Molotov's Report to the Supreme Soviet on February 1, 1944. The text to which references are made in this article is that reprinted in *International Conciliation,* No. 398 (March 1944), p. 239. Hereinafter cited as *Molotov Report.*

> The Soviets are only a *form* of organization—true enough, a socialist form, but only a *form* of organization for all that. Everything depends upon the *content* that is put into this form. We know of cases when Soviets . . . for a certain time supported the counter-revolution against the revolution. . . . Hence, it is not only a matter of Soviets as a form. . . . It is primarily a matter of the content of the work in the Soviets; it is a matter of the character of the work of the Soviets; it is a matter of *who* leads the Soviets. . . . We must assume that the anti-Soviet elements take all this into account . . . and use these as a screen for their underground organizations. . . . The Soviets, taken as a form of organization, are a weapon and a weapon only. Under certain conditions this weapon may be turned against the revolution. . . . It all depends upon who wields this weapon and against whom it is directed.[5]

In the concrete implementation of the 1944 Amendments, the Kremlin recognizes that, unless proper precautions are taken, the Amendments may unwittingly provide a legal cover for separatists in the Union Republics or furnish a gratuitous fissure into which hostile powers might insert their diplomatic wedges. These hazards would be increased in the event of a serious political crisis. The Soviet Government manifestly has no intention of frivolously or indiscriminately expanding the diplomatic activities of the Union Republics and so running the risk of permitting continuous contact between potential secessionists and the representatives of hostile states behind a screen of legality. As a general rule, the latitude allowed the republics in foreign affairs has been, and will continue to be, determined by a careful calculation of the constantly fluctuating balance between the requirements of internal security and cohesion on the one hand and the fleeting expediencies of foreign politics on the other.

II. THE CONSTITUTIONAL INNOVATIONS OF 1944: THEIR JURIDICAL SIGNIFICANCE

By empowering the Union Republics to establish separate foreign offices, diplomatic relations, defense establishments and national troop formations,[6] the Amendments of February 1, 1944 struck a new juridical equilibrium between the center and the circumference in the Soviet federal system and provided the basis for multiple recognition under international law. Constitutionally, the Amendments transformed the Union into a *de jure* confederation remarkably similar to the political structure proposed by Rakovsky and Skrypnik at the 12th Congress of the Party in 1923, and contemptuously denounced then, with both juridical logic and eloquent realism, by the principal architect of the 1944 Amendments, J. V. Stalin:

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[5] J. V. Stalin, *Leninism* (International Publishers, 1942), pp. 278–279.

[6] Although not strictly a diplomatic emendation, the Amendment simultaneously adopted which authorized the Republics to establish separate defense departments and national troop formations is intimately connected with foreign affairs. Unlike the Amendment on foreign affairs, however, this Amendment has never been given implementation even in form. Although all the Republic Constitutions were altered to include a Defense Ministry in the list of Union-Republican Ministries, not a single Republic has ever established a Defense Ministry or even so much as appointed a Defense Minister. Molotov in his speech to the Supreme Soviet claimed that Latvian, Lithuanian, Estonian, Georgian,

> What becomes of the single union state if each republic retains its own People's Commissariat of Foreign Affairs and People's Commissariat of Foreign Trade? . . . It is obvious, however, that we are creating not a confederation, but a federation of republics, a single union state, uniting military, foreign, foreign trade and other affairs, a state which in no way diminishes the sovereignty of the individual republics. If the Union is to have a People's Commissariat of Foreign Affairs, a People's Commissariat of Foreign Trade, and so forth, and the republics constituting the Union are also to have all these Commissariats, it is obvious that it will be impossible for the Union as a whole to come before the outside world as a single state. One thing or the other: either we merge these apparatuses and face the external enemy as a single Union, or we do not merge them and create not a union state, but a conglomeration of republics, in which case every republic must have its own parallel apparatus.[7]

Although the 1944 Amendments did not disturb the central government's exclusive control over foreign trade, they did establish what Stalin condemned as a confederation in 1923 and what Molotov hailed as a "new forward stride" in the development of the Soviet federation in 1944, thus permitting the Soviet Union to masquerade as a confederation under international law and a federation under internal law.

(*1*) *The International Legal Status of the Union Republics.* From the standpoint of Soviet legal doctrine, the Republics have from the very beginning, and without interruption, been paraded as sovereign states. Theoretically, according to Stalin and his juridical exegetes, the republics in joining the Union in 1923 did not surrender their sovereignty irrevocably, but voluntarily entrusted certain powers of statehood to the central government, which they were free to recover by virtue of their right to secede from the Union:

> If the R.S.F.S.R., the Ukraine, Byelorussia and the Transcaucasian Republics are not each to have its own People's Commissariat of Foreign Affairs, it is clear that the abolition

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Armenian, Azerbaidzhanian, and Kazakh (but not Ukrainian or Byelorussian) national armies were already in existence. Assorted deputies boasted in the Supreme Soviets about the number of divisions, generals, and officers of their respective nationalities in the Red Army; but after the War the national formations were dissolved and have never been revived. The entire Amendment remains a dead letter. *Cf.* D. L. Zlatopolsky, *Obrazovaniye i Razvitiye SSSR kak Soyuznovo Gosudarstvo* (Moscow, 1954), pp. 203–205.

[7] J. V. Stalin, *Works*, 13 vols. (Moscow, 1952–1955), V, pp. 341–344; *cf.* also pp. 302–303. According to Vyshinsky, the "Ukrainian Confederationists" wished to retain separate Foreign Affairs Commissariats so that they could "preserve the legal possibility of contact with their masters—the big imperialist powers and Poland—so as to betray their people and the Union in its entirety." A. Y. Vyshinsky, *The Law of the Soviet State* (Macmillan, 1948), p. 264.

> of these commissariats . . . will be accompanied by a certain restriction of the independence enjoyed by these republics. . . . Some people ask a purely scholastic question—whether after amalgamation the republics remain independent. This is a scholastic question. Their independence is restricted, for every amalgamation involves a certain restriction of the rights of the amalgamating parties. But the elements of independence of each of these republics undoubtedly remain, for each republic retains the right to leave the union at its own discretion. *There you have the elements of independence, the maximum of independence, which is potentially retained by each of the republics forming part of the Union and which each of them is always at liberty to exercise.*[8]

Within the context of Soviet juridical theory, the 1944 Amendments represent a partial recovery by the republics of powers which they entrusted to the Union in 1923 and again in 1936, and signify an expansion of their sovereign authority into the sphere of international relations. As a consequence, Soviet jurists maintain that:

> The Soviet Union as a whole and every Union Republic in particular are autonomous subjects of international law with all the rights and obligations towards other states which derive from this status. . . . Union Republics, as well as the Soviet Union as a whole, are truly sovereign states.[9]

Furthermore, as members of the Soviet Union, the republics not only enjoy all legal rights under international law but also the extra-legal prerogatives of a Great Power in international politics:

> Membership in the USSR guarantees each Republic full protection of its rights and interests on the international level. If each Republic acted in international affairs as a separate state . . . it would have little participation and influence in the consideration of major international questions. It is only as part of the Union structure that each Republic, irrespective of its size, has equal opportunity with others to assume the position of a Great Power—the USSR—in international affairs.[10]

This is not the first time that a single political entity enjoys the capacity for multiple representation under international law.[11] In the recent past, one need only recall the Imperial German Federation, the Ottoman Empire, the British Commonwealth in its early development, the Weimar Republic and even the Bonn Federal Republic today to realize that the Soviet formula was not an invention of Stalin's devious genius.[12] It is not necessary that a Union be a confederation in law for its component units to qualify as diplomatic entities, any more than it is necesary that a state be actually independent to enjoy recognition under international law or to engage in diplomatic relations. Should the United States, for example, aspire to gain separate diplomatic recognition for its constituent states, it need only make the requisite juridical alterations and await the individual decisions of other powers to grant or withhold recognition. Certain hazards are always inherent in any devolutionary process: one need only point to the attempts of France to preserve her Empire by permitting members of the French Union to enjoy autonomous diplomatic status. It is perhaps the serious risks involved, more than any other single factor, that have prompted the Kremlin to stifle what initially appeared to be a promising, if limited, diplomatic future for the Soviet Republics.

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[8] J. V. Stalin, *Marxism and the National Question* (International Publishers, 1942), pp. 140–141 (my italics). *Cf.* also *Works*, V, pp. 247–248.

[9] V. V. Yevgenyev, "Subjects of International Law, Sovereignty and Non-Interference in International Law," *Sovetskoye Gosudarstvo i Pravo*, March 1955 (No. 2), pp. 76–77. *Cf.* also F. N. Kozhevnikov, *Mezhdunarodnoye Pravo* (Moscow, 1957), p. 89.

[10] V. Vadimov, *Verkhovny Sovet SSSR i Mezhdunarodnye Otnosheniya* (Moscow, 1958), p. 17. *Cf.* also p. 16.

[11] Soviet jurists, by drawing distinctions between "state" sovereignty and "national" sovereignty, even claim that the lesser national units in the Soviet Union are "sovereign." "The struggle of nationalities for the realization of their national sovereignty need not take the form of a struggle for an independent state, *i.e.*, state sovereignty . . . as a nationality may just as well express the wish to be included in a multi-national state as a member of a federation or as an autonomous unit." L. A. Modzhoryan, "The Notion of Sovereignty Under International Law," *Sovetskoye Gosudarstvo i Pravo*, February 1955 (No. 1), p. 70. But Yevgenyev maintains that "a nation, which has not yet created its own independent state or seceded into such a state, may not be recognized as a subject of international law, because the lack of any public authority deprives this nationality of the capacity for contracting international obligations and guaranteeing their fulfillment." Yevgenyev, *op. cit.*, p. 77. The most eloquent practical demonstration of the interchangeability of the

Although all the Soviet Republics have equal diplomatic powers, only the Ukraine and Byelorussia have any recognized status under international law, and this stems solely from their membership in the United Nations. In marked contrast to the Soviet Government's sedulous refusal to permit the republics to establish bilateral diplomatic contacts with other states, it has been persistent in efforts to gain their entry into international organizations and conferences. Aside from minor agreements signed by three of the republics with the Lublin Polish Provisional Government, virtually all the formal diplomatic

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Soviet conceptions of sovereignty was the liquidation of the Karelo-Finnish Union Republic and its transformation into a lesser unit as the Karelian Autonomous Republic by a mere stroke of the pen. Neither the population nor the Supreme Soviet of the Republic were consulted in a move which deprived the Republic of its cherished right to secede, its separate foreign affairs and defense establishments, fourteen deputies in the Council of Nationalities and its Vice-Chairman on the Presidium of the Supreme Soviet of the U.S.S.R. *Pravda,* July 17, 1956. *Cf.* also A. Y. Vyshinsky, *op. cit.*, pp. 275–280; Kozhevnikov, *Mezhdunarodnoye Pravo,* pp. 86–107; and V. N. Durdenevsky and S. B. Krylov, *Mezhdunarodnoye Pravo* (Moscow, 1947), pp. 109–168.

[12] The most relevant precedent in recent times was Imperial Germany. The twenty-three monarchies and three city Republics of the Empire enjoyed the power of separate diplomatic relations and their representatives were often to be found alongside the Imperial Ambassadors and Ministers. Only Prussia was denied this privilege. *Cf.* Otto Esch, *Das Gesandtschaftrecht der Deutschen Einzelstaaten* (Bonn, 1911); Riess, *Auswärtige Hoheitsrechte der Deutschen Einzelstaaten* (1905); and Windisch, *Die Völkerrechtliche Stellung der Deutschen Einzelstaaten* (1913). Under the Weimar Constitution, while foreign relations were centralized in Berlin, the Länder were permitted limited authority to conclude treaties with foreign states, although Berlin reserved the power of final approval and ratification. Bavaria was permitted to maintain relations with the Holy See and a French Minister-Plenipotentiary continued to be accredited to Munich. *Cf.* L. Oppenheim, *International Law,* ed. H. Lauterpacht, 2 vols., 6th ed. (Longmans, 1947), I, pp. 115–116; 161–192. In an era of petty personal monarchs in Europe, diplomatic recognition perhaps performed a social prestige function comparable to the issuance of free railroad passes to the executives of minor roads here until Congress put a stop to the practice.

activity of the two republics has been confined to the United Nations, its affiliated and associated organizations, and conferences and commissions based upon United Nations membership.[13] Failure to win further international legal recognition of this sort has only stimulated the Soviet Government to enhance the prominence of the republics, if not in its formal diplomacy, then on the fringes. Since 1950, their informal participation on the margins of diplomacy has been progressively expanded and accelerated. This reflects Moscow's resourcefulness in reaping the benefits of a confederation under international law and those of a federation under constitutional law, without risking the obligations and hazards of either, while it remains in fact a highly centralized state. In this way, the Soviet leaders hope to gain the best of three worlds.

(*2*) *The Constitutional Distribution of Diplomatic Powers.* The constitutional decentralization of foreign affairs in the Soviet system is ingeniously devised to preclude any legal or political conflict between formal devolution and actual centralization of control. Although the supremacy of the center might appear to be sufficiently guaranteed by the monolithic organization and monopolistic control of power by the Communist Party, the constitutional provisions of both the All-Union and the several Republic documents nevertheless allow for the erection of parallel diplomatic apparatuses not coordinate with, but subordinate to, the central Ministry of Foreign Affairs. *Kompetenz-kompetenz* clearly resides in the Union. The Amendments assert the absolute supremacy of the central government over foreign affairs and establish essentially a permissive authority for the center to delegate limited diplomatic functions to the republics, at its own discretion.

When the author asked Foreign Ministry officials in Moscow and in the Republics why the latter had not established diplomatic contacts with foreign countries, he was quickly told that the Constitution does not make mandatory the exchange of diplomatic representatives, but merely provides the juridical authority. Although all Union Republics have the juridical capacity to enter into diplomatic relations, this equality is not thought to be infringed by an unequal implementation of their diplomatic powers. So their juridical status, while it remains uniform under internal laws, can develop unevenly under international law, as witness the special status of the Ukraine and Byelorussia.[14] Their diplomatic relations can be expanded selectively and with discrimination, in accordance with the requirements of policy and the opportunities of international power politics.

The general authority permitting the republics to engage in diplomatic relations is governed by Articles 14a and 18a.[15] The first gives the central government jurisdiction over "representation of the U.S.S.R. in international relations, conclusion, ratification and denunciation of treaties of the U.S.S.R. with other states," and "establishment of the general procedure governing relations of the Union Republics with foreign states," while Article 18a asserts that "each Union Republic has the right to enter into direct relations with foreign states and conclude agreements and exchange diplomatic and consular representatives with them."

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[13] *Cf. infra*, pp. 402–6.

[14] The same could be said of the various Imperial Acts, culminating in the Statute of Westminister in 1931, which governed the relations between Great Britain and her Dominions.

[15] Constitution of the U.S.S.R., as amended to January 1, 1957, in *Istoriya Sovetskoi Konstitutsii* (*v Dokumentakh*), *1917–1956* (Moscow, 1957), pp. 944–964.

Article 60e of the Constitution stipulates that the Supreme Soviet of the individual republic "decides questions of representation of the Union Republic in its international relations," while Article 67d states that the Union Council of Ministers "exercises general guidance in the sphere of relations with foreign states," and Article 68a stipulates that it "co-ordinates and directs the work of the All-Union and Union-Republican Ministries of the U.S.S.R." Article 76 defines the jurisdiction and administrative status of the Union-Republican Ministries, while Article 78 lists the Foreign Ministry in this category. Article 87 further elaborates by pointing out that "each Union-Republican Ministry directs the branch of state administration entrusted to it, and is subordinate both to the Council of Ministers of the Union Republics and the corresponding Union-Republican Ministry of the U.S.S.R."

The constitutions of the fifteen individual republics have also been appropriately altered to conform with the Amendments of 1944, and they make six separate references to the powers of the republics in foreign affairs. Using the Constitution of the Uzbek Republic as reference, Article 16a establishes that "the Uzbek Soviet Socialist Republic has the right to enter into direct relations with foreign states and to conclude agreements and exchange diplomatic and consular representatives with them," but neither the power to ratify and denounce treaties nor to declare war and peace is mentioned.[16] Article 19aa gives to the Supreme Soviet of the Republic and its Presidium power to authorize the "establishment of the representation of the Uzbek S.S.R. in international relations," while Articles 30h and 39i give to the Presidium the power to appoint and recall diplomatic representatives of the Republic as well as to receive the letters of credence and recall of foreign emissaries. Article 46g states that the Republic's Council of Ministers "exercises guidance in the sphere of the relations of the Uzbek S.S.R. with foreign states, on the basis of the general procedure established by the U.S.S.R. governing the relations of the Union Republics with foreign states." Article 50 provides for a Ministry of Foreign Affairs as a Union-Republican Ministry.

The constitutional provisions of both the All-Union and republican documents are sufficiently elastic to permit a wide degree of initiative for the republics in establishing diplomatic contacts and negotiating international agreements. In practice, they possess no initiative at all and act only upon signal from Moscow. There is nothing, however, to prevent foreign states from approaching either Moscow or one of the republican Foreign Ministers at the

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[16] *Constitution of the Uzbek S.S.R.* (Moscow, 1949). The numbering of the corresponding articles may vary among the republican constitutions, but the language is identical in all cases.

United Nations with a bid to exchange diplomatic representatives with individual republics. In all probability, at this stage, such a bid would be received with both suspicion and embarrassment.

III. REPRESENTATION OF THE UNION REPUBLICS IN FEDERAL ORGANS OF POLICY AND ADMINISTRATION IN FOREIGN AFFAIRS

Although the republics obviously cannot act independently, scrupulous attention, almost to the point of extravagance, has been paid to the formal and decorative aspects of republican participation in the internal organs of foreign policy and administration at all levels of the central government. As in any federation, the Union Republics might be expected to have appropriate unit representation in the legislative organs of the federal government, and formal decentralization in foreign affairs should give them participation in the executive and administrative institutions of the central state structure as well. From a purely constitutional standpoint, the Soviet system meets both these expectations, although in varying degrees of implementation.

(1) The Presidium of the Supreme Soviet. The Presidium of the Supreme Soviet of the U.S.S.R. possesses a wide and impressive range of ceremonial and substantive (executive, legislative and judicial) powers in the sphere of foreign relations and functions as the collegial Chief of State of the Soviet Union. It is recognized by Soviet jurists as the highest institutional symbol of state representation under international law. Normally, however, the Chairman of this body performs all the symbolic and ceremonial acts in the name of the Presidium as a whole. As the highest personal symbol of state sovereignty, he is invested with its *jus repraesentationis omnimodae* in the traditional rituals of diplomacy:

> In accordance with the universally recognized doctrine of international law, the supreme representation of the modern State is vested in the chief of state, whether he be an actual person (monarch, president of the republic) or a collective body (Presidium of the Supreme Soviet of the U.S.S.R., Federal Council of Switzerland. . . . As a general rule, the competence of the chief of state includes the declaration of war and conclusion of peace, nomination and reception of diplomatic agents, granting powers for the conclusion of international treaties and agreements of special significance, and the ratification and denunciation of these treaties and accords.[17]

Not only does the Presidium of the Supreme Soviet perform the acts enumerated above, but it is also empowered to interpret all Soviet laws in operation, convene and dissolve the Supreme Soviet, annul decisions and orders of the Council of Ministers of the Union and of the republics, appoint and remove the higher commands of the armed forces, declare martial law and act as custodian of supreme state power during the intervals between sessions of the Supreme Soviet.[18]

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[17] V. P. Potemkin, editor, *Istoriya Diplomatii,* 3 vols. (Moscow, 1945), III, p. 765. The Presidium was not expressly authorized to *denounce* treaties until the Supreme Soviet revised Article 49 of the Constitution on February 25, 1947. *Istoriya Sovetskoi Konstitutsii,* p. 831.

[18] Articles 48 and 49.

In this organ of thirty-three members, there are fifteen Vice-Chairmen—one for each of the Union Republics. By custom only, and not by constitutional imperative, the Chairmen of the fifteen Presidia of the republics are elected as Vice-Chairmen of the All-Union Presidium;[19] this accounts for nearly one-half the total membership of that body. Frequently, selected Party leaders of high rank are also to be found among the sixteen ordinary—in actuality, the working—members of the Presidium. Thus in the highest organ of diplomatic representation in the Soviet system, the Republics are generously represented. In two cases, the Byelorussian and Ukrainian Republics, the Chairman of the Republic's Presidium functions separately as representative of a collegial Chief of State in his own right under international law; the other Vice-Chairmen possess only the legal capacity to function similarly. While the Soviet system of multiple sovereignty combines in many ways the characteristic configurations of suzerainty and vassalage of old Oriental Empires (the Parthian, Persian and Ottoman), the feudal multiple monarchies of Europe (the Holy Roman Empire and Imperial Germany), and the progressively attenuated subordination which marked the British Commonwealth, the Soviet collegial formula of a Chief of State composed of subordinate Chiefs of State constitutes a unique departure in modern diplomatic practice.

(*2*) *The Supreme Soviet.* In the bi-cameral Soviet legislature—the formal repository of all state power and the source of basic legislation—each republic is entitled to 25 deputies in the Council of Nationalities and a complement of deputies in the Council of the Union proportionate to the size of its population. The one supposedly expresses the juridical equality of the Union Republics and the other their demographic inequality; but, unlike our Senate and the upper chambers in other federal states, the Council of Nationalies was devised to serve a further purpose. According to Stalin, it was organized in order that "the nationalities of the USSR have *their particular, specific* interests, connected with their specific national characteristics," represented.[20] It is an expression not only of the federal nature of the Soviet State but also of its multinational character; of course, both elements are organically connected.

The fourteen non-Russian republics account for 350 deputies in the Council of Nationalities, or slightly more than one-half, while the remaining contingents represent lesser national units (mostly within the R.S.F.S.R.) which do not possess formal diplomatic powers. Thus some of the republics, because of lesser national units within their borders, actually possess far more than their basic contingent of 25 deputies in the Council of Nationalities. For instance, the Ukraine, with a population in excess of forty million, has only its basic complement of 25 deputies, while the Georgian Republic, with a population of four million, has 52, thus in effect shattering the principle of equality which ostensibly prevails in this chamber. Unlike upper chambers in some other federations, the Council of Nationalities enjoys no special prerogatives in the area of international relations. Although it is constitutionally coordinate with the Council of the Union, the latter actually carries more prestige and status in the Soviet scheme because it symbolizes direct and proportionate representation.

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[19] *Cf.* B. P. Kravtsov, *Verkhovny Soveta SSSR* (Moscow, 1954), pp. 69–70. The law on the composition of the Presidium, adopted on March 19, 1946, does not specifically state that each Republic is entitled to a Vice-Chairman—or even a representative—but the number of Vice-Chairmen has always corresponded to the number of Union Republics. *Sbornik Zakonov SSSR i Ukazov Prezidiuma Verkhovnovo Soveta SSSR 1938–1956* (Moscow 1956), pp. 77. *Cf. Pravda,* March 28, 1958, for the composition of the current Presidium. Among the ordinary members are high Party functionaries from the Uzbek, Ukrainian, Byelorussian, and Kazakh Republics.

[20] Stalin, *Leninism,* p. 401. *Cf.* also Kravtsov, *op. cit.,* p. 35 and Vadimov, *op. cit.,* p. 15.

Until recently, the Supreme Soviet played only a passive role even in the formalities of legislating policy dealing with foreign affairs. Convoked only rarely and then for sessions of very short duration, it did little but hear and approve reports of the Government on foreign policy, give assent to the decrees of the Presidium, and adopt laws and resolutions initiated by the Council of Ministers. Since 1954, however, a calculated effort has been made to give the Soviet legislature a more conspicuous and active role in foreign affairs; as yet this has been more ornamental than real. Aside from being called into session more frequently to hear reports on foreign policy, its expanded participation has been characterized by three main developments: (1) the stimulation of the withered functions of its two Foreign Affairs Commissions and their recent reorganization; (2) the establishment of direct contacts with legislative bodies of other countries, either through the exchange of parliamentary delegations, participation in international legislative associations or conferences, and the use of Supreme Soviet officials in quasi-diplomatic capacities; and (3) the issuance of propaganda declarations, resolutions and appeals on international questions. Under the first two categories the more active role of the Supreme Soviet has automatically enhanced the formal role of the republics in the legislative aspects of Soviet foreign policy.

(*a*) *The Foreign Affairs Commissions.* Although the two Foreign Affairs Commissions (one for each chamber) are not mentioned in the Constitution, each chamber organized a Permanent Commission on Foreign Affairs at its first session in January 1938, in accordance with Article 51.[21] According to A. Y. Vyshinsky, the chief function of the Foreign Affairs Commissions is to make "a preliminary examination of all matters connected with foreign affairs to be considered by the Supreme Soviet (and its Presidium)."[22] The Commissions, which superficially resemble their counterparts in the American Congress and the parliaments of western Europe, are empowered to sit separately or jointly (the usual procedure) whether or not the Supreme Soviet is in session. Between sessions of the Supreme Soviet, the Commissions exercise the power of legislative control and surveillance over the execution and administration of Soviet foreign relations.[23]

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[21] S. G. Novikov, *Postoyannye Komissii Verkhovnovo Soveta SSSR* (Moscow, 1958), p. 33.

[22] *The Law of the Soviet State, op. cit.*, p. 349.

[23] Vadimov, *op. cit.*, p. 8.

The competence and authority of the Commissions are quite broad and embrace three general functions: (1) to examine and recommend action to the respective chambers on matters concerning foreign policy which come before the Supreme Soviet; (2) to examine and recommend action to the Supreme Soviet or its Presidium on motions or proposals concerned with the ratification, denunciation or nullification of treaties and agreements concluded by the Soviet Union; and (3) to prepare on its own initiative and introduce for the examination of the Supreme Soviet or one of its chambers draft legislation and other acts touching on questions of foreign policy. In carrying out their functions, the Commissions are authorized to organize subcommissions, summon government officials and experts to give testimony, and demand that the government furnish documents and materials necessary for their work.[24]

Historically, the record shows only one occasion when the Commissions have criticized the work of the Foreign Ministry. At the initial meeting of the Supreme Soviet under the new Constitution, on January 17, 1938, Zhdanov in his capacity as Chairman of the Foreign Affairs Commission of the Council of the Union sharply questioned Molotov about the espionage activities of foreign consulates and asked why the Foreign Affairs Commissariat was tolerating such a condition. Molotov acknowledged the criticism and promised action.[25] Since Stalin's death a determined effort has been made to embellish the work of the Commissions. Whatever passes for debate or discussion in the Soviet legislature on foreign affairs is almost always conducted by members of the Commissions, who comment approvingly upon the proposals of the Government or are inspired to introduce motions and resolutions to be adopted by the Supreme Soviet, allegedly upon their own initiative.[26]

The spokesman for the Commission is its chairman, who is also its most powerful and influential member. Normally, the chairmen of the two Commissions are full or alternate members of the Party Presidium (Politburo) and have no formal executive or administrative posts in the government. When the Commissions act jointly, the Chairman of the Commission of the Council of the Union, who is usually a full member of the party's highest body and of the Party Secretariat, as well as the party's most authoritative professional theoretician and its specialist on relations with foreign communist parties, acts as presiding officer and spokesman. This post is usually reserved for an ethnic Russian. The first chairman of this Commission was Andrei Zhdanov; its current presiding officer is Mikhail Suslov. The chairman of the Commission in the Council of Nationalities is usually a party figure of less imposing rank; its first chairman was Nikolai Bulganin and the current incumbent is N. A. Mukhitdinov, First Secretary of the Uzbek Party and a member of the Presidium and Secretariat of the CPSU.[27]

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[24] Novikov, *op. cit.*, pp. 33–39. For details on the organization and procedures of the two Commissions, *cf.* Vadimov, *op. cit.*, p. 9; D. A. Kerimov, *Zakonodatelnaya Deyatelnost Sovetskovo Gosudarstva* (Moscow, 1955), pp. 54–57. Full texts of the Statutes on the organization and procedure of the Commissions are reprinted in *Istoriya Sovetkoi Konstitutsii*, pp. 837–840.

[25] *Cf. Pervaya Sessia Verkhovnovo Soveta SSSR, 12–19 Yanvaria, 1938* (Moscow, 1938), pp. 135, 151. *Cf.* also Kravtsov, *op. cit.*, p. 66.

[26] For a concrete illustration of the way in which the Commissions present their reports, *cf. Materialy Pyatoi Sessi Verkhovnovo Soveta SSSR po Voprosam Razoruzheniya i Zapreshcheniya Atomnovo i Vodorodnovo Oruzhiya* (Moscow, 1956). *Cf.* also Novikov, *op. cit.*, pp. 34–39 and Vadimov, *op. cit.*, p. 8, for a list of treaties which have been submitted in the last few years to the Commissions for examination and approval prior to their ratification by the Presidium. The procedure is evidently perfunctory, cursory and ceremonial, since in almost all cases examination, approval and ratification have been completed within one or two days.

The membership of the two Commissions reflects the careful selection of a balanced slate. It includes representatives from republican governments and party organizations, the Komsomol, trade unions, the armed forces, the cultural elite, and Party specialists on relations with foreign communist parties (Comintern and Cominform overseers before 1957). As a general rule, members of the All-Union Presidium, and Council of Ministers and officials of the Foreign Ministry are excluded from the Commissions, presumably to maintain the fiction that the Commissions are independent agencies of review and investigation. Because of this incompatibility, members of the Commissions who subsequently are appointed to executive or administrative positions in the government, related to foreign affairs, cease to be active and are eventually dropped from the Commissions. This happened in 1958 to some Commission members elected in 1954. The fact that this rule does not apply to republican executive and administrative officials (including Premiers and Foreign Ministers) unwittingly betrays the insignificant part they have in the execution and administration of foreign affairs. On the other hand, the active Premiers and Foreign Ministers of the Ukrainian and Byelorussian Republics (because of their more direct participation in diplomacy) apparently are excluded from membership in the two Commissions.

In March 1958, the size of the two Commissions was more than doubled—from eleven each to twenty-three each.[28] They were completely reorganized and the equilibrium among the various republics and organizations was radically altered. Formal and informal representation of the republics in the two Commissions is numerically impressive, particularly in the Council of Nationalities, and reflects careful planning and discrimination in selection. In the reorganized Commissions, however, the balance between formal representation (republican government officials) and informal representation (republican party officials) has been significantly altered—perhaps indicating a contemplated expansion of the responsibilities of the republics in formal diplomacy.

Before March 1958, the composition of the Commission in the Council of Nationalities included two republican Premiers (Azerbaidzhan and the Turkmen Republic), two Foreign Ministers (Kirgiz Republic and Georgia), three Central Committee members of republican party organizations (Ukrainian, Latvian and Kazakh), and the First Secretary of the Uzbek Party.[29] The composition of its counterpart in the Council of the Union before its reorganization embraced no republican government officials, but included the First Secretaries of four republican party organizations (Byelorussia, Tadzhik, Estonia and Lithuania) and a former Premier of the Uzbek Republic.[30] In the two Commissions elected in 1954, all the republics except the Armenian and Moldavian were represented in one or the other of the two Commissions by either a republican governmental official or a high party functionary.

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[27] Mukhitdinov's predecessor was Dmitri Shepilov, who resigned after his appointment as Foreign Minister in July 1956. Only the two Commissions on Foreign Affairs have had such a succession of powerful personalities as Chairmen, although members of the Politburo and Presidium appear in other Commissions as ordinary members.

[28] *Pravda*, March 28, 1958. When first organized, the Commission elected by the Council of Nationalities had only ten members.

In the newly expanded and reorganized Commissions, elected on March 27, 1958, the number of high republican government officials has been drastically reduced in favor of a generous influx of regional party officials and members of the cultural elite. In the newly elected Foreign Affairs Commission in the Council of Nationalities, the R.S.F.S.R. has six members (including one each from the Daghestan, Chuvash, and Buryat-Mongol Autonomous Republics), while the Ukraine has three. Georgia, Azerbaidzhan, the Uzbek and Tadzhik Republicans are represented by two members each, while the Byelorussian, Lithuanian, Latvian, Moldavian, Armenian and Kazakh Republics have one representative each. In the corresponding Commission in the Council of the Union, the R.S.F.S.R. has no less than eleven members (including one each from the Karelian and Tatar Autonomous Republics), against three for the Ukraine. The Lithuanian, Byelorussian, Latvian, Estonian, Georgian, Azerbaidzhanian, Uzbek and Kazakh Republics each have one representative in this Commission. The composition of the two Commissions indicates a calculated attempt to allot representatives to the Republics in accordance with their size, importance and ethnic complexity.[31]

High republican government officials have been reduced to only two, both in the Council of Nationalities: the Foreign Minister of the Georgian Republic (who is also a First Deputy Premier) and a Deputy Premier of the Armenian Republic. In the Commission elected by the Council of the Union, the membership includes the First Secretaries of the Estonian and Lithuanian Parties, while the Chairman of the Commission in the other Chamber is the First Secretary of the Uzbek Party. The balance of the membership in both Commissions is made up of regional party officials from the republics, Komsomol and trade union functionaries, writers, educators and propagandists—most of whom also belong to a *mélange* of mass propaganda organizations which have been spawned by the World Peace Council and its affiliated associations.[32]

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[29] *Izvestia*, April 21, 1954, and July 14, 1956.

[30] *Izvestia*, April 21, 1954.

[31] Of the 46 members in both Foreign Affairs Commissions, 17 are from the R.S.F.S.R. (including deputies from 5 Autonomous Republics), 6 are from the Ukraine, 3 each are from the Uzbek, Georgian and Azerbaidzhan Republics (including 1 representative each from an Autonomous Republic within the Union Republic), 2 each are from the Byelorussian, Lithuanian, Latvian, and Tadzhik Republics, while the Armenian and Estonian Republics have one each. The remaining member is Marshal Grechko, representing the armed forces. The ethnic distribution does not necessarily follow the distribution by Republics, since representatives from some of the Republics are often ethnic Russians.

Although the Commissions have been more than doubled in size, two republics, the Turkmen and Kirgiz, are currently unrepresented in either Commission. Since international treaties altering the boundaries of the republics must have the approval of the republic concerned, under Article 18, it would appear logical to give every republic at least one representative in the Commissions.[33] The practice appears to be in that direction, but at present there is no formal rule which either governs the ethnic composition of the two Commissions or makes representation from every Union Republic mandatory.

(*b*) *Republican Participation in Soviet Parliamentary Groups.* Before 1955, the Supreme Soviet as such engaged in little para-diplomatic activity nor did it exhibit any great passion for establishing contacts with parliaments in other countries. On February 9, 1955, in synchronization with Malenkov's demise as Premier, the Supreme Soviet issued a number of declarations on foreign policy matters, one of which was an appeal to the other parliaments of the world to exchange visits of parliamentary delegations with the Soviet Union.[34] Since then, the Soviet legislature has exhibited an extraordinary enthusiasm for quasi-official parliamentary contacts and has engaged in a veritable flood of exchanging visiting delegations. Whereas in 1954 the Soviet Union received parliamentary delegations from only two countries and dispatched only one of its own, between 1955 and 1957 it entertained delegations from 26 countries and sent visitors to seventeen.[35] Parliamentary delegations and other dignitaries from Asia and Africa have also been received by the Supreme Soviets of the Uzbek and other Moslem republics, while Soviet Asian deputies have been given unusual prominence in Soviet delegations visiting the East.[36]

The quasi-diplomatic functions of the Supreme Soviet were further embellished on June 29, 1955 when it declared adherence to the Inter-Parliamentary Union and sent an energetic delegation to the 44th Annual Conference of the association held in Helsinki in August of the same year.[37] Since it was first organized, the Parliamentary Group of the U.S.S.R., which is by far the largest from any member country, has played a conspicuous role in the executive organs of the IPU and in its annual conferences.[38] Although the Ukrainian and

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[32] *Pravda*, March 28, 1958. The governmental, party and professional positions held by the members of the Commissions were identified by scrutinizing lists of government, party and other organizations appearing in local newspapers and various issues of central newspapers.

[33] *Cf. infra*, p. 406.

[34] *Izvestia*, February 10, 1955. *Cf.* also Vadimov, *op. cit.*, pp. 77–78. This declaration was supplemented by a resolution of December 28, 1955 by the Supreme Soviet on the exchange of parliamentary delegations with other countries.

[35] Vadimov, *op. cit.*, p. 78.

[36] Z. A. Lebedeva, *Parliamentskaya Gruppa Sovetskovo Soyuza* (Moscow, 1958), pp. 51–53.

[37] *Ibid.*, pp. 9–10.

[38] More than 96 per cent of the deputies of the Supreme Soviet belong to the Soviet Parliamentary Group. See Lebedeva, *op. cit.*, p. 10; *cf. ibid.*, pp. 14–44, for a description of the activities of the Soviet delegations and individual deputies.

Byelorussian Republics have also declared their adherence to the IPU, they have not yet been admitted as separate members. Both republics, however, have organized Temporary Bureaus in anticipation of their formal admission.[39] In the composition of the 21-member Executive Committee of the Soviet Parliamentary Group, each of the other Republics has been allotted at least one representative.[40]

(3) Organs of Central Administration: The Council of Ministers and the Foreign Ministry. In the highest state organ of diplomatic policy and administration in the central government, the Council of Ministers, the Union Republics play a minor formal role and exert an even lesser influence in its deliberations and decisions. Although the Premiers of the republics have been *ex-officio* non-voting members of the Council of Ministers since the formation of the Union and are authorized to maintain their plenipotentiaries in Moscow, they are excluded from the Presidium of the Council of Ministers, where major policy decisions are made, unless they are specifically invited for consultation.[41] The main administrative link between the organs of the center and those of the republics is the Union-Republican Ministry, to which corresponding Ministers are appointed at both levels, each theoretically responsible to his respective supreme organs of state authority. The Union-Republican Ministry in each republic, furthermore, is clearly subordinated to the administrative control of its counterpart in the central government, making an ingenious pattern of dual subordination. Since the Constitution empowers the All-Union Presidium to annul, and the federal Council of Ministers to suspend, decisions and orders of the Council of Ministers in any republic, the supremacy of the central government is assured, in the event of conflict.[42]

The Union-Republican Ministries, of which the Foreign Ministry is one, have proved useful devices for decentralizing the burdens of administration and responsibility without at the same time relinquishing control or direction of policy. This distributive purpose can be served, however, only if there are activities which can be decentralized for administrative convenience. Since the Foreign Ministry has limited internal responsibilities and these are not at present either functionally or territorially diffused throughout the Union, there is virtually nothing for the Union-Republican Foreign Minister to administer, aside from the minor diplomatic responsibilities of the Ukraine and Byelorussia.

The Ministry of Defense has also been a Union-Republican Ministry since 1944, but has never been decentralized beyond the provisions of the Constitution. So the Foreign Ministry has been in a curious half-way stage, neither internally decentralized like the Ministries of Justice and Culture nor completely aborted like the Ministry of Defense. Before 1938, under the provisions of the

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[39] *Pravda*, July 2, 1955. Each has also nominated two representatives to the Council of the IPU.

[40] Lebedeva, *op. cit.*, pp. 11–12.

[41] *Cf.* Vadimov, *op. cit.*, p. 17. This practice was first adopted by decree of the Sovnarkom on August 7, 1923. *Sistematicheskoye Sobranie Deistvuyushchikh Zakonov S.S.S.R.* (Moscow, 1926), I, pp. 33–34.

[42] Articles 49f and 69.

Narkomindel Statute of November 12, 1923, many consular and administrative functions in the territories of the republics were entrusted to a special Narkomindel Representative attached to the Republican Council of People's Commissars.[43] Should the Soviet Government expand its consular exchanges to the degree which prevailed before 1938, one way of decentralizing the administrative machinery of the Foreign Ministry might be to assign the consular duties and responsibilities performed by the old Narkomindel Representative in the territories of the republics to the Republican Minister of Foreign Affairs.

IV. DIPLOMATIC INSTITUTIONS AND PROCEDURES IN THE UNION REPUBLICS

The juridical latitude allowed the Union Republics in foreign affairs is remarkably generous for a federation. The 1944 Amendments give the republics far greater legal autonomy in foreign relations than the provisions of the Narkomindel Statute under the Constitution of 1924, and their juridical status now approximates what it was before their amalgamation into a single Union. In actuality, however, their real participation falls far short of their status at that time in external affairs and in internal administration under the 1924 Constitution.

In accordance with their constitutional capacity to conduct separate diplomatic relations, modest institutional organs and procedures have been adopted by the republics, which appear capable of rapid expansion and activation should the signal ever be given by Moscow. The complexity of these arrangements, however, varies from republic to republic, reaching its maximum development in the Ukraine and Byelorussia.

(*1*) *Republican Executive and Legislative Organs of Diplomacy.* Since the governmental structures of the republics are faithful microcosms of the central government, their Presidia, Supreme Soviets and Councils of Ministers are empowered to play analogous roles in republican diplomacy.[44] The Presidium of the republican Supreme Soviet functions as a collegial chief of state and is authorized to appoint and recall republican diplomatic representatives and to receive letters of credence and recall of foreign envoys accredited to the republics. It is not, however, specifically empowered to institute military titles or diplomatic ranks, appoint or remove members of the high command of the armed forces of the republics, ratify or denounce international treaties signed by the republics, declare war or peace, or to order general or partial mobilization of republican military formations. Presumably, in accordance with past Soviet constitutional doctrine and practice, the Presidium of a republic can be authorized by the center to exercise these powers.

Since the Chairman of the Presidium of the republic is almost always simultaneously a federal official by virtue of his *ex officio* status as a Deputy Chairman of the All-Union Presidium, he plays a dual role in international relations—

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[43] Full text of the Narkomindel Statute, as amended to 1928, is reprinted in *Yezhegodnik Narodnovo Komissariata po Innostrannym Delam na 1929 god* (Moscow, 1929), pp. 65–74. Chapter V of the Statute describes the functions and authority of the Narkomindel Representative.

[44] Kravtsov, *op. cit.*, pp. 73–78.

as representative of the federal Chief of State and as authorized spokesman of his republic's collegial Chief of State. In recent years, the Chairmen of the Presidia of some of the republics have played a larger personal role in Soviet diplomacy, serving as heads of Soviet delegations abroad, as Acting Chairman of the All-Union Presidium in the absence of the Chairman, and as ornamental adjuncts to junketing Soviet leaders. The Chairman of the Uzbek Presidium, Sharaf R. Rashidov, for example, has been assigned a pivotal role in Soviet relations with Asian and African countries. As the highest official of the most important Soviet Asian Republic, Rashidov accompanied Marshal Voroshilov, Khrushchev and Bulganin, and Mikoyan on their respective diplomatic tours through the countries of Southeast Asia and the Far East.[45] In December 1957, he served as the chief of the Soviet delegation to the Asian-African Conference held in Cairo.[46] In line with this trend, the Chairman of the Presidium of the Supreme Soviet of the Armenian Republic, Sh. M. Arushanyan, headed the Soviet delegation to the 47th Annual Conference of the International Parliamentary Union, held in Rio de Janeiro in July 1958.

Whereas the Presidium and/or the Supreme Soviet of the republic is authorized to establish the diplomatic representation of the republic, the republican Council of Ministers is invested with the functions of administering whatever diplomatic relations are established, but under the general procedure laid down by the central government. Using the powers of the federal Council of Ministers as a guide, the republican Council of Ministers, through the medium of its Chairman and Foreign Minister, can be authorized to: (1) grant, withhold or withdraw recognition of governments; (2) sever and restore diplomatic relations; (3) order acts of reprisal against other states (by virtue of the authority to establish separate Ministries of Defense and military formations); (4) appoint negotiators and supervise the negotiation of international treaties and agreements not requiring formal ratification by the Presidium; (5) declare the adherence of the republic to international conventions not requiring formal ratification; (6) conclude agreements with other heads of government not requiring ratification; (7) give preliminary examination to all treaties before submission to the Presidium for ratification; (8) confirm all treaties and agreements not requiring formal ratification; (9) oversee the "current work of the diplomatic organs, effectively direct that work and take the necessary measures in the field"; and (10) appoint, accredit and recall all diplomats below plenipotentiary rank.[47]

The Supreme Soviets of all the republics are unicameral chambers, but the ambit of their authority in international relations is once again modelled on the parent body, though in severely diminished form. After the adoption of the 1944 Amendments, the Supreme Soviets of the republics were empowered to establish Foreign Affairs Commissions, patterned after the central legislature.[48] At least seven of them (Byelorussia, Ukraine, Georgia, Turkmenistan, Tadzhikistan, Uzbekistan and the R.S.F.S.R.) have done so.[49] What these Foreign Affairs Commissions do remains a mystery, but presumably they are primed to play a role similar to their prototypes. Like their models, the Chairmen of these shadowy bodies are party functionaries. The Chairman of the R.S.F.S.R. Commission, A. B. Aristov, for instance, is a full member of the Party Presidium and Secretariat and a member of the Central Committee's Bureau for the R.S.F.S.R. (which is a surrogate for its Party organization).[50] The Chairman of the Ukrainian Commission is a Secretary of the Ukrainian Party, as was the last known Chairman of the Georgian Foreign Affairs Commission.[51] The other Chairmen are Central Committee members of their respective party organizations.[52]

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[45] Vadimov, *op. cit.*, pp. 74–75.

[46] *New York Times*, December 29, 1957.

[47] *Cf.* Vadimov, *op. cit.*, pp. 10–12; Kozhevnikov, *Mezhdunarodnoye Pravo*, pp. 111–117; Durdenevsky and Krylov, *Mezhdunarodnoye Pravo*, pp. 130–139; and O. E. Polents, *Ratifikatsiya Mezhdunarodnykh Dogovorov* (Moscow, 1950), pp. 32–36.

(*2*) *The Republican Ministry of Foreign Affairs.* All the republics, including the Karelo-Finnish up to the time of its demotion in 1956, have established Ministries of Foreign Affairs and all have at some time or other actually appointed Foreign Ministers. In recent years, neither the R.S.F.S.R. nor the Moldavian Republic appears to have appointed a Foreign Minister, though for different reasons. The absence of a Moldavian Foreign Minister may reflect its sensitive relationship to neighboring Communist Rumania, of which it is in reality an unredeemed ethnic territory; while in the case of the R.S.F.S.R., it may be considered superfluous or potentially risky (just as there is no separate Russian Communist Party organization). Since the Soviet federation is erected upon the principle of the juridical equality of the Union Republics, the Constitutions of the R.S.F.S.R. and Moldavia continue to preserve their capacity to participate in international affairs.

Aside from the Foreign Ministers of the Ukraine and Byelorussia, the Foreign Ministers of the republics do little but carry empty diplomatic portfolios, greet foreign dignitaries, attend diplomatic receptions and banquets, serve on various Soviet diplomatic or quasi-diplomatic delegations to international organizations, conferences and meetings, and take part in the foreign policy 'discussions' in the Supreme Soviet or its Foreign Affairs Commissions. Soviet Foreign Ministry officials in Moscow and republican authorities in Georgia and Armenia, when asked during the Summer of 1958 what precise functions were performed by the Foreign Ministers of the republics, informed the author that a principal function was to be consulted in all diplomatic matters which specifically affected the interests of their republics. In Tbilisi and Yerevan, he was further told that the republican Foreign Ministries were responsible for arranging and administering cultural relations and exchanges between the republics and foreign states. One of the specific functions of the Armenian Foreign Ministry, the author was told, was the organization and administration of the repatriation of more than 100,000 Armenians from abroad to the Armenian Republic.

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[48] Kravtsov, *op. cit.*, p. 75.

[49] As in the case of the Union Constitution, the Foreign Affairs Commissions are organized in accordance with the constitutional authority of the Supreme Soviets to establish "commissions of investigation and audit on any matter."

[50] *Pravda*, March 23, 1955.

[51] S. V. Chervonenko, *Pravda Ukrainy*, July 3, 1956; D. V. Mchedhishvili, *Zarya Vostoka*, September 2, 1956.

[52] Byelorussia, F. A. Novikova, *Sovetskaya Byelorussiya*, December 15, 1955; Turkmen Republic, A. M. Annanurov, *Turkmenskaya Iskra*, March 18, 1955; Tadzhik Republic, Ya. A. Rakhimov, *Kommunist Tadzhikstana*, March 29, 1955; Uzbek Republic, R. G. Gulanov, *Pravda Vostoka*, December 7, 1956.

The post of republican Foreign Minister remains, however, essentially honorific and is clearly a part-time responsibility, since most of them have additional administrative duties. As of the beginning of 1958, in three republics (Armenia, Estonia and Tadzhikstan), the Chairman of the Council of Ministers also holds the post of Foreign Minister, while in another (Georgia), the Foreign Ministry is presided over by a First Deputy Premier.[53] In five others (Byelorussia, Kazakhstan, Kirgizia, Turkmenistan, and Uzbekistan), a Deputy Chairman also serves as Foreign Minister, and in one instance (Latvia), the position is simultaneously held by the Minister of Culture.[54] Only in three Republics (the Ukraine, Azerbaidzhan, and Lithuania) does the Foreign Minister have no other visible means of support.[55]

Information on the organization and structure of republican Foreign Ministries and the composition and size of their diplomatic establishments is obscure, since Soviet sources provide little systematic descriptive information. The diplomatic structure of the republics must be reconstructed from scattered and fragmentary references in the Soviet press and from lists of delegations furnished to international organizations and conferences in which the republics participate.

Only the Ukraine and Byelorussia maintain any semblance of a permanent diplomatic establishment. This is due to their membership in the United Nations and six of its specialized agencies, and their participation in international commissions and conferences based on U. N. membership. The two Slavic Republics must maintain a minimum roster of diplomatic functionaries and a staff to handle routine clerical and administrative work made necessary by their modest participation in diplomatic affairs. The most fruitful single source of information on the diplomatic establishments of the Union Republics is the lists of delegations furnished the United Nations several times a year.[56] Since 1946, the compositions of the Ukrainian and Byelorussian delegations to the meetings of the General Assembly have revealed a gradual but rudimentary differentiation in administrative organization, broken down into Ambassadors, department heads, 'expert-consultants' to the Foreign Ministry, interpreters, and clerical secretaries. With but few exceptions, the diplomatic functionaries of the republics are not "on loan" from the central Ministry of Foreign Affairs, as might be expected, but are primarily republican government officials or university professors with relatively minor rank in republican party organizations. The low party status of republican diplomats also corresponds with All-Union practice. Neither of the two republics maintains permanent delegations at United Nations headquarters and presumably a substantial part of their Foreign Ministry staffs moves to New York each Fall to assume their single most important diplomatic responsibility. The temporary headquarters of both delegations are separate from that of the U.S.S.R. and from each other—a calculated attempt to maintain the appearance of autonomy.

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[53] A. Ye. Kochinyan, *Pravda*, December 9, 1956 and September 13, 1956; A. A. Myurisep, *Izvestia*, December 11, 1956; N. Dodkhudoyev, *Pravda*, February 10, 1957 and *Izvestia*, May 27, 1956; M. I. Kuchava, *Zarya Vostoka*, August 9, 1956.

[54] K. V. Kiselev has headed the Foreign Ministry of the Byelorussian Republic since its formation. T. T. Tazhibayev, *Pravda*, November 3, 1956; K. K. Konduchalova, *Izvestia*, February 16, 1957; B. Ch. Charyyev, *Pravda*, January 20, 1957 and *Izvestia*, October 3, 1956; G. S. Sultanov, *Izvestia*, January 26, 1957 and November 3, 1956; Ya. P. Ostrov, *Sovetskaya Latviya*, March 25, 1955 and *Izvestia*, December 2, 1956.

[55] L. F. Palamarchuk (the fourth Foreign Minister of the Ukraine since 1944), *Izvestia*, December 3, 1956; M. I. Aliev, *Bakinsky Rabochye*, October 23, 1956; I. I. Gashka, *Sovetskaya Litva*, October 10, 1956. Aliev, Azerbaidzhan's Foreign Minister since 1944, died on September 28, 1958.

The composition and size of the delegations of the two Soviet Republics reveal minor variations. This is due in part to the uneven nature of their responsibilities at the U.N. at different times. As full-fledged members of the international organization, each is entitled to be elected as a non-permanent member of the Security Council (whereupon they automatically serve as members of the Atomic Energy Commission and the Commission for Conventional Armaments), the Economic and Social Council, and the Trusteeship Council; and their representatives may also serve as Chairmen and Rapporteurs of various committees and commissions. Depending upon the extent and diversity of their responsibilities, the size and complexity of the two delegations are subject to corresponding fluctuations, since they must maintain sufficient personnel to occupy these various positions. The only major U.N. body from which they are technically excluded is the World Court.[57]

Although in most cases the republican Foreign Minister is coterminous with the Foreign Ministry itself, the Ukrainian Republic boasts a diplomatic establishment which includes a Deputy Foreign Minister, a Secretary-General, a Political Department (with a Director and Deputy Director), a Protocol and Consular Division (although it has no consular representation and precious little protocol), a Press Division and a Counselor on Economic Problems. Its diplomatic ranks correspond with those of the Union and include Ambassadors, Ministers, Counselors, and first and second secretaries. The Foreign Ministry also lists a number of Expert-Consultants.[58] The structure of the Byelorussian Foreign Ministry, for some reason, reveals more sophistication if not sophistry, for in addition to the officials, divisions and ranks reported by the Ukrainian Republic, it includes a Collegium of the Foreign Ministry (like its parent prototype in Moscow) with several otherwise untitled members and junior diplomats at the level of third secretary, thus hinting that it may be an organization not only of Chiefs but of Indians as well.[59] Members of the republican Supreme Soviet, university professors, and sundry government officials have also appeared on the diplomatic delegations of the two republics. Presumably, the Political Departments are in charge of U.N. affairs, while the Secretary-Generals are in charge of administrative matters. The expert-consultants advise on legal and other technical questions, but the duties of the Chiefs of the Consular Departments in the two Foreign Ministries remain an enigma. Since the Byelorussian Republic joined UNESCO, it has appointed a Commission for UNESCO Affairs attached to its Council of Ministers, as has presumably the Ukrainian Republic as well.[60]

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[56] *Delegations to the United Nations*, issued for every regular and special session of the General Assembly and *Permanent Missions to the United Nations*, issued monthly or bimonthly, both published by the Protocol Section of the U.N.

[57] Article 3 of the Statute of the Court stipulates that no two members of the Court may be nationals of the same state and that for this purpose, any person who could be regarded as a national of more than one state "shall be deemed a national of the one in which he ordinarily exercises civil and political rights."

Various other republics have also listed Deputy Foreign Ministers, but none can claim so elaborate a diplomatic apparatus as these two. The size of the buildings which house the republican Foreign Ministries can also convey an impression of the complexity and diversity of their diplomatic functions. While the Ukrainian Foreign Ministry is housed in an office building of respectable proportions, the Georgian Foreign Ministry has its headquarters in a dilapidated structure in a dark corner of Tbilisi and consists only of a single reception chamber.

(*3*) *The Union Republics and International Treaties.* Soviet writers rarely fail to invoke the limited treaty relations of the Ukrainian and Byelorussian Republics as concrete proof of their diplomatic autonomy in international affairs. These relations, however, have been quite modest and carefully circumscribed, restricted almost exclusively to the Byelorussian and Ukrainian Republics.

Soviet constitutional law recognizes two general categories of international agreements: treaties requiring formal *ratification* by the supreme organs of state power (the Supreme Soviet or its Presidium, usually the latter), and international agreements requiring only *confirmation* by the Council of Ministers. Whereas Article 14a gives to the Union the power of "conclusion, ratification and denunciation of treaties of the U.S.S.R.," Article 18a allows the republics only "to conclude agreements" with foreign states, and makes no mention of *treaties* or of the ratification and denunciation of international compacts. The

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[58] *Delegations to the United Nations*, Eighth Session of the General Assembly, September 1953, p. 91; *ibid.*, Ninth Session, September 1954, p. 91; *ibid.*, Eleventh Session, November 1956, p. 126; *ibid.*, Twelfth Session, September 1957, p. 133; *ibid.*, Thirteenth Session, September 1958, pp. 131–2.

[59] *United Nations Handbook*, General Assembly Supplement (United Nations, 1946), p. 16; *Delegations to the United Nations*, Second Regular Session of the General Assembly, September 1947, p. 28; *ibid.*, Twelfth Session, September 1957, pp. 24–25.

[60] *Izvestia*, October 13, 1956. Its Chairman is G. Ya. Kiselev, who was also designated as one of the Byelorussian representatives to the Council of the IPU.

Union Republics, like the Union, are governed by the provisions of the Law on the Procedure for the Ratification and Denunciation of International Treaties of the U.S.S.R., adopted by the Supreme Soviet on August 20, 1938, ostensibly upon the initiative of its Foreign Affairs Commissions. According to this law, "peace treaties, treaties of mutual defense from aggression and treaties of mutual non-aggression" are subject to ratification, as are treaties specifically requiring ratification,[61] whereas "economic and other treaties upon the conclusion of which no provision was made for subsequent ratification do not require such ratification and may be confirmed by . . . the Council of People's Commissars [Council of Ministers] of the U.S.S.R. according to general procedure."[62]

International agreements contracted by the republics have fallen into both categories. No specific provisions in either the Union or republican constitutions empower the republics to ratify or denounce treaties, nor do they explicitly deny this authority either. In accordance with past and current Soviet constitutional practice, this means that the republics can ratify and denounce treaties upon direct authorization by the central government or in the absence of its disapproval. Since final jurisdiction resides in the federal government, all agreements signed by the republics with foreign states are subject to nullification, disavowal or denunciation by the Union government in the unlikely event of disagreement between the republics and the central government. The same holds true for any declaration of war and peace, for which there is neither authorization nor prohibition in the Soviet Constitution.

The first international agreements contracted by the republics were in 1944 and were bilateral in nature. On September 9, 1944, the Ukrainian and Byelorussian Republics, and on September 22, 1944, the Lithuanian Republic, concluded population accords with the Lublin Committee of Poland. The agreements were signed by the Premiers of the republics and were not subject to ratification by the republican Presidia.[63] Three years later, on May 6, 1947, these three republics signed a final protocol with Poland affirming that the agreements of 1944 had been fulfilled.[64] These agreements were the first and so far the only bilateral compacts signed by any of the Soviet Republics.

The Charter of the United Nations was the first international instrument to be signed by the republics which required formal ratification, and since the two republics deposited instruments of ratification in 1945, the procedure permitting their Presidia to ratify international documents was established early in their diplomatic development.[65] The two republics also deposited separate instruments of ratification in connection with the Peace Treaties signed with Italy, Bulgaria, Hungary, Rumania, and Finland. Furthermore, the Ukrainian Republic participated in the Belgrade Conference on the Danube Convention as one of the riparian powers and deposited a separate document of ratification.[66] The two republics have also adhered to the Conventions on Genocide and Human Rights, have joined six U.N. specialized agencies, and have adhered to other multilateral conventions, some of which required formal ratification.[67] The agreements signed separately by the two republics with UNRRA on December 18, 1945 required only the confirmation of their Councils of Ministers.[68]

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[61] *Second Session of the Supreme Soviet of the U.S.S.R., August 10–21,* 1938, verbatim report in English (International Publishers, 1938), p. 678 for full text.

[62] *Ibid.,* p. 595, comment by Deputy O. J. Schmidt on behalf of the Foreign Affairs Commission of the Council of Nationalities. For details concerning ratification procedure in the U.S.S.R., *cf.* Polents, *Ratifikatsiya,* pp. 32–36.

[63] *Vneshnyaya Politika Sovetskovo Soyuza v Period Otechestvennoi Voiny,* 2 vols. (Mos-1946), II, pp. 202–204; 230–232. No texts of the agreements were published, only descriptive information bulletins.

[64] *Vneshnyaya Politika Sovetskovo Soyuza na 1947 god,* 2 vols. (Moscow, 1952), II, pp. 383–384; *cf.* also Korovin, ed. *Mezhdunardonoye Pravo* (Moscow, 1951), p. 365.

[65] *Cf.* Polents, *Ratifikatsiya,* p. 36.

The authority of the Union Republics to conclude international agreements under the Soviet Constitution does not make it mandatory that they negotiate with foreign powers on matters specifically affecting their interests nor does it require that they participate in negotiations and treaties signed by the U.S.S.R. even though they may be directly affected. The Soviet Union has signed treaties with Poland, Czechoslovakia, Rumania, Finland, and Iran altering the territorial boundaries of various Union Republics without the participation of representatives from the interested republics in the negotiations or even in the ceremonies at the time of signature. The only restrictions upon the powers of the federal government in this connection are Articles 18 of the Union Constitution and 16 of the republican Constitutions which require the consent of the republics prior to the ratification of any treaty which alters the boundary of the republics concerned. No established procedure in law has been adopted for securing this consent and in the past this provision of the Constitution has not always been honored even in form. Under the broad latitude of the Constitution, the Soviet Government could, if it so desired, require formal preliminary approval by the Presidia of the affected republics before formal ratification, but the customary procedure is for a republican deputy to grant this consent before a joint meeting of the two Foreign Affairs Commissions of the Supreme Soviet. This was the procedure employed in gaining the formal consent of the Azerbaidzhan and Turkmen Republics to the frontier rectifications made in the Soviet-Iranian Treaty of December 2, 1954.[69]

V. THE SCOPE AND FUTURE OF REPUBLICAN DIPLOMACY

At the time the constitutional Amendments were adopted in 1944, the Soviet Government undoubtedly envisaged that the diplomacy of the republics would develop more extensively than has proved to be the case. According to Molotov, the changes adumbrated a "great expansion of the activities of the Union Republics" in international relations. "It cannot be said," he reported to the Supreme Soviet on the day the Amendments were adopted, that a single Foreign Commissariat

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[66] *U. N. Treaty Series*, Vol. 33, No. 518, pp. 181–224; *Vneshnyaya Politika . . . na 1948 god*, II, p. 29.

[67] The two republics are members of the International Labor Organization, UNESCO, the World Health Organization, Universal Postal Union (although neither Republic has a separate postal system nor distinctive postal issues), the International Telecommunications Union, and the World Meteorological Organization; *cf.* Kozhevnikov, *Mezhdunarodnoye Pravo*, pp. 338–348.

[68] *New York Times*, December 18, 1945.

[69] Novikov, *op. cit.*, p. 34. The Azerbaidzhanian deputy was also the Foreign Minister.

> could fully cover not only the requirements of the whole Union but also the multifarious and growing requirements of the Union Republics in foreign affairs. Thus the Union Republics have quite a few specific economic and cultural requirements which cannot be covered in full measure by All-Union representation abroad and also by treaties and agreements of the Union with other States. These national requirements of the Republics can be better met by means of direct relations of the Republics with corresponding States.[70]

Three days later, on February 3, 1944, *Izvestia* and other Soviet newspapers predicted that the sixteen Republics would seek to establish diplomatic relations with all countries in diplomatic communion with the U.S.S.R.

Main attention was focused upon the largest of the non-Russian republics, the Ukraine, whose representative in the Supreme Soviet hailed Molotov's report and asserted that "a specifically national aim of the Ukraine is the need to establish a close, direct contact between a Slavic State—the Ukraine—and two of her Slavic neighbors—Poland and Czechoslovakia."[71] The resurgence of Ukrainian nationalism during the war and the key role of this republic in Soviet claims upon the territory of pre-war Poland tended to indicate that the Ukraine at least would be permitted to establish diplomatic contact with neighboring countries. The population agreements signed in September 1944 and Gromyko's electrifying proposal at Dumbarton Oaks in August 1944 that the sixteen republics be given separate membership in the projected international organization further demonstrated that the Kremlin was serious about its avowed intention to usher its republics into the diplomatic community. This expectation was given additional support on May 14, 1945 in San Francisco when the Ukrainian Foreign Minister, Dmitri Manuilsky, cavalierly announced to a massive press conference that the Ukraine was "ready at any time to exchange diplomatic and consular representatives with any country," and added that his government would "consider with gratitude any proposals by other states with regards to foreign relations."[72]

An important diplomatic role for the Ukraine was apparently expected by high Czech officials as well. President Benes predicted that the Ukraine would be a key member of the 'Slav Bloc,' and in August 1945, Zdenek Fierlinger, the Czech Ambassador to Moscow (and later Premier), ventured to envisage that:

> The Ukraine and Czechoslovakia, as neighbors, must make decisions on a whole series of important questions . . . through special treaties and agreements between Czechoslovakia and the Ukraine. . . . The development of these friendly relations of a political and economic character will be facilitated to a great extent by the amendments which were recently made by the Supreme Soviet of the U.S.S.R. . . . The changes permit the Union Republics not only to enter into direct diplomatic dealings with other countries, but also to conclude treaties and agreements. Considering the diversity of economic dealings be-

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[70] *Molotov Report*, p. 241.

[71] D. L. Zlatopolsky, *Obrazovaniye i Razvitiye SSSR kak Soyuznovo Gosudarstva* (Moscow, 1954), pp. 202–203.

[72] *Soviet News*, May 25, 1945; *cf.* also *New York Times*, May 23, 1945.

tween two neighboring industrial countries, this situation in practice will have an important result.[73]

In spite of these expectations, no bilateral diplomatic contacts between Czechoslovakia and the Ukraine—or any other Soviet Republic—ever materialized. Even the Soviet-Czech Treaty of June 29, 1945, transferring the Carpatho-Ukraine to "its ancient motherland—the Soviet Ukraine," was negotiated and signed without benefit of even sham participation by Ukrainian functionaries, although the Treaty was drawn up in the Ukrainian, Russian and Slovak (but not Czech) languages.[74] With the annexation of the Carpatho-Ukraine, the great Ukrainian passion for diplomatic relations with Czechoslovakia evaporated as abruptly as it had appeared.

The only pretense at bilateral diplomatic contacts by the republics were with the Soviet-sponsored Lublin Regime in Poland. Aside from the population accords of 1944 and a so-called 'state visit' paid by the 'Ukrainian' Premier, none other than Nikita Khrushchev, to Warsaw in December 1945, and reciprocated the following October by a Polish visit to Kiev, nothing ever came of the "specifically national aim of the Ukraine" to establish diplomatic relations with the Poles.[75] Notwithstanding various reports and speculations to the contrary, the author confirmed in Moscow that not a single republic has ever exchanged diplomatic or consular representatives with a foreign power. Even the cultural contacts are arranged on an *ad hoc* basis, since none of the republics maintains cultural attachés with Soviet diplomatic missions abroad.

There is no question but that the Soviet government subsequently revised its estimate of the advantages to be gained by stimulating the diplomatic reflexes of the republics, for not a single instance exists where a Soviet Republic, or the Union on its behalf, has ever made a formal bid to another state to exchange diplomatic or consular representatives. On the contrary, when the British Ambassador, more in jest than in earnest, suggested to Molotov in 1947 that London was interested in exchanging representatives with the Ukrainian Republic, Molotov retorted with evident annoyance that Kiev was not interested in expanding its diplomatic contacts.

One complicating legal factor which prevented the republics from taking any initiative in making such contacts, down at least to the beginning of 1948, was the Decree of August 26, 1926 which made it a criminal offense for republican officials at home or abroad to deal directly with functionaries and institutions of foreign states without going through the channels of the Foreign Ministry in Moscow. According to this decree, which remained in force even after the adoption of the 1944 Amendments, should republican officials "receive from foreign government offices or officials abroad, or from foreign diplomatic missions in the U.S.S.R., written communications of a political or economic nature, they must forward such communications to the People's Commissariat for Foreign Affairs without answering them." An identical procedure was established for verbal communications.[76]

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[73] Z. Fierlinger, "Soviet-Czechoslovak Economic Relations—Past and Future," *American Review on the Soviet Union*, VI, August 1945, p. 30.

[74] *Sbornik Deistvuyushchikh Dogovorov, Soglashenii i Konventsii Zaklyuchennykh SSSR s Inostrannymi Gosudarstvami*, XI (Moscow, 1955), pp. 31–32.

[75] *Cf. New York Times*, October 12, 1946.

On December 16, 1947, this decree was nullified and superseded by a new decree of the Presidium which removed its application to republican officials and authorized the republics, in conformity with the Union decree, to establish analogous procedures governing contact between republican institutions and officials with those of foreign powers.[77] Using the Decree of February 10, 1949, issued by the Presidium of the R.S.F.S.R., as a model, the republican decrees, which are closely patterned after the All-Union decree, authorize contact with foreign powers only through the channels of the republican Ministry of Foreign Affairs, unless expressly permitted otherwise by treaties signed by the U.S.S.R., agreements concluded by the republic, or else by special permission of the Foreign Ministry of the U.S.S.R. or the republic.[78]

Although the nullification of the 1926 Decree did not result in a surge of diplomatic contacts by the diplomatic officials of the republics, it did eliminate a legal incongruity in Soviet law, whereby republican officials acting under the provisions of the Constitution granting diplomatic powers to the republics could be prosecuted under the criminal provisions of the Decree. Furthermore, as long as this decree was in force, the formal pretense of diplomatic autonomy for the republics was hardly tenable even in Soviet law.

The role of the Union Republics as actors in Soviet diplomacy, aside from the activities of the two Slavic Republics in the U.N. and its affiliated bodies and conferences, remains essentially ceremonial and ornamental. Up to now, the Kremlin has shown serious interest only in gaining multilateral acceptance of its republics, and has sedulously prohibited them from engaging in purely bilateral diplomatic contacts. Its feeble, half-hearted and scattered attempts to win recognition for additional republics in the international community should not, however, be construed as exhausting the Kremlin's bag of diplomatic tricks. Since its initial success in gaining the admittance of the Ukraine and Byelorussia into the U.N., Moscow has failed to win acceptance of its other republics under international law. After it was rebuffed in its attempt to gain admission for the three Baltic republics to the Paris Peace Conference in 1946, the Soviet government resorted to a back-door maneuver by attaching the Foreign Ministers of the three republics to the regular Soviet delegation. Subsequent attempts to get other Soviet Republics into international organizations like the International Telecommunications Union and the Universal Postal Union were equally unsuccessful.

Failure to make headway on the legal level has challenged the Soviet Union to contrive more ingenious diplomatic formulas. In recent years, the Soviet

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[76] *Sobranie Zakonov i Rasporiazhenii Rabochye-Krestianskovo Praviltelstva SSSR*, 1926, Part II, No. 60, Article 448.

[77] Full text in *Sbornik Zakonov SSSR . . . 1938–1956*, pp. 169–171.

[78] Full text in *Sbornik Zakonov R.S.F.S.R. i Ukazov Prezidiuma Verkhovnovo Soveta R.S.F.S.R. 1946–1954* (Moscow, 1955), pp. 107–108.

Republics have been given an increasingly prominent role on what might be called the fringes of international diplomacy. For example, beginning in September 1950, at the Fifth Session of the General Assembly, the Soviet Government initiated the practice of including the Foreign Ministers of selected Soviet Republics (principally Central Asian) as members of the Soviet delegation. In 1950, the Foreign Ministers of the Uzbek and Kazakh Republics were named alternate representatives;[79] in 1951, it was the turn of the Turkmen Foreign Minister,[80] and in 1952, it was once again the Uzbek Foreign Minister and the Deputy Foreign Minister of the Latvian Republic who were designated as alternate representatives.[81] After Stalin's death, the Uzbek Republic, in accordance with the policy of granting greater prominence to the most vigorous of Moscow's Central Asian Republics, was awarded virtually a permanent berth on the Soviet delegation and its Foreign Minister (or Minister of Culture) was elevated to the status of a full representative.[82] This practice not only permits Moscow to accustom the outside world gently to the presence of republican officials at diplomatic gatherings, but also to convey the impression to the republics that they have a definite role in foreign affairs.

Perhaps not surprisingly, in relations among the states of the Soviet orbit, the republics have achieved no greater prestige as distinct diplomatic personalities, although if Moscow were to become seriously interested in enhancing their diplomatic respectability, it could easily arrange for their recognition by its client states in Europe and Asia. In November 1954, however, at the Moscow Conference on European Peace and Security, attended only by countries in the Soviet orbit, the official Soviet delegation included the Premiers of the R.S.F.S.R., the Ukraine, Byelorussia, and the three Baltic Republics.[83] Six months later, at the Warsaw Pact Conference, the Premiers of the six Soviet Republics were once again in attendance as members of the Soviet delegation, but they did not sign or join the Pact as separate members.[84] Significantly, neither the Karelo-Finnish nor the Moldavian Republic was represented—a calculated omission which adumbrated the dissolution of the Karelo-Finnish Republic less than two years later and cast an ominous shadow over the juridical status of Moldavia.

Two republics, the Ukrainian and the Uzbek, appear on the verge of being invested with significant diplomatic responsibilities, the former in Soviet relations with Europe and the latter in Afro-Asian affairs. In August 1955, the Chairman of the Uzbek Presidium, Rashidov, boasted in the Supreme Soviet of the extensive "cultural ties between the Uzbek Republic and foreign countries," and reported that since the beginning of 1954, the Republic has been visited by delegations from 36 countries, of which 27 were from Asia and Africa.[85] Less than a year later, he asserted that the number of delegations had increased to more than 100, including numerous parliamentary groups.[86] Since 1955, the Uzbek Republic has played host to the leaders of virtually every neutralist power in the Middle East and Southeast Asia. With almost ritual regularity, visiting Asian dignitaries embark on a pilgrimage to the principal centers of the Uzbek Republic when touring the Soviet Union.

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[79] *Delegations to the United Nations*, Fifth Session of the General Assembly, September 1951.

[80] *Ibid.*, Sixth Session, September 1951.

[81] *Ibid.*, Seventh Session, October 1952.

[82] *Ibid.*, Eighth Session, p. 94, and Ninth Session, September 1954, p. 93. In the following year, the U.S.S.R. delegation included a member of the Presidium of the Lithuanian Republic, the Chairman of the Georgian Supreme Soviet and Rector of the State University, and a Deputy Chairman of the Kazakh Council of Ministers. In 1956, only the Kazakh functionary was retained on the Soviet delegation; but in 1957, it was the turn of a Latvian official and the Uzbek Foreign Minister once again. At the 1958 Session of the General Assembly, the Foreign Ministers of the Lithuanian and Armenian Republics appeared on the Soviet delegation. *Cf.* corresponding numbers of *Delegations to the United Nations*, cited above, note 58.

[83] *New Times* (No. 49), December 4, 1954, special supplement, p. 64.

[84] *New Times* (No. 21), May 21, 1955, special supplement, p. 69.

Although it is doubtful that the Ukraine can play as effective a role for Soviet diplomacy in European affairs as the Uzbek might in Asian and African, from the tenor of a recent speech by A. I. Kirichenko, it would seem that an enhanced diplomatic role for the Ukraine will be a consequence more of Ukrainian national egoism than of any anticipation of concrete diplomatic advantages for Soviet foreign policy:

> Look at the Soviet Ukraine! Today it is one of the major countries of Europe and the world. . . . Today the Soviet Ukraine, with its population of 42,000,000, is one of the biggest European powers. . . . Our Republic occupies a worthy place in the international arena. It is one of the founders and a member of the United Nations and many other international organizations; it is strengthening its ties with socialist countries.[87]

An expanded role for the republics in Soviet diplomacy may assume three possible patterns, alone or in combination: (1) a steady expansion and acceleration of their role in quasi-diplomatic activity on the fringes of international relations; (2) transfer of internal consular, passport and visa functions to the republican Foreign Ministries; and (3) formal bids by the Republics, or the Soviet government on their behalf, to exchange diplomatic or consular representatives with foreign powers, not necessarily all at once, but selectively. At the minimum, the Soviet Republics could expect a warm reception from the countries in the Soviet orbit, but it is quite possible that non-Communist states, for their own reasons, may also wish to establish relations with individual republics. Diplomatic or consular exchanges between the Uzbek Republic and individual countries of the Middle East and Southeast Asia are a definite possibility and are likely to reap rich dividends for Soviet foreign policy.[88]

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[85] *Materialy Pyatoi Sessii Verkhovnovo Soveta SSSR*, pp. 40–41.

[86] *New Times*, (No. 33), August 11, 1955, special supplement, p. 22.

[87] *Pravda*, December 25, 1957.

[88] The increasing importance of the Uzbek Republic has been given legal confirmation in the Soviet Constitution. In the original version of the Constitution, the Uzbek Republic was listed eighth in the hierarchy of Republics enumerated under Article 13. On February 25, 1957, the Supreme Soviet revised Article 13 to list the Republics, not in the order of their admission to the Union, but in accordance with the size of their population. The Uzbek Republic was moved from eighth place to fourth, immediately after the R.S.F.S.R., the Ukraine and Byelorussia, although its population is less than that of the Kazakh Republic. Text of revision is in *Istoriya Sovetskoi Konstitutsiya*, p. 829, and the original at page 730.

THE SENIORITY SYSTEM IN CONGRESS

GEORGE GOODWIN, JR.
University of Massachusetts

The seniority system ordinarily rates no more than two or three pages in books devoted to Congress. There is likely to be a brief description and a weighing of the arguments, pro and con, followed generally by the conclusion that the system is a poor one; occasionally an author will defend it stoutly. Regardless of the conclusions, the analyses are rarely thorough. This article attempts to fill a gap in the literature on Congress by describing and analyzing various aspects of its seniority system.

It is well to remember at the outset that very few human institutions ignore seniority entirely. Champ Clark, in his autobiography, noted that it is observed in all the affairs of life:

> No sane man would for one moment think of making a graduate from West Point a full general, or one from Annapolis an admiral, or one from any university or college chief of a great newspaper, magazine or business house. A priest or a preacher who has just taken orders is not immediately made a bishop, archbishop or cardinal. In every walk of life "men must tarry at Jericho till their beards are grown."[1]

Yet, as George Galloway states, "in no other place, perhaps, does seniority or length of service carry so much weight as it does in the Congress of the United States."[2] It is more than a means of choosing committee chairmen; it is a means of assigning members to committees, of choosing subcommittee chairmen and conference committee members. It affects the deference shown legislators on the floor, the assignment of office space, even invitations to dinners. In short, "it is a spirit pervading the total behavior of Congress."[3] Its significance for constituencies was expressed by Senator Byrd, who, when he was persuaded to run again for his seat, explained that "seniority of service and committee rank have importance over and above the capabilities of the members."[4] The system seems absolute in the assignment of office space, and nearly absolute in the choice of committee chairmen. Yet in other areas, it is often bypassed to a surprising degree.[5] Our concern here is seniority as it relates to the standing committees of Congress.

I. WORKING RULES

As might be expected, seniority is not mentioned in the House or Senate rules, although it has drastically changed their effect. Senate Rule XXIV states simply, "in the appointment of standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairmen of each committee, and then by one ballot, the other members necessary to complete the same." House Rule X reads, in part, "at the commencement of each Congress, the House shall elect as chairman of each standing committee one of the members thereof. . . . All vacancies in the standing committees of the House shall be filled by election by the House."

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[1] Champ Clark, *My Quarter Century in American Politics* (New York, 1920), Vol. I, p. 209.

[2] George Galloway, *The Legislative Process in Congress* (New York, 1953), p. 367.

[3] Ernest S. Griffith, *Congress: Its Contemporary Role* (New York, 1956), p. 18.

[4] *New York Times*, Feb. 26, 1958.

[5] Interview with George Reedy, Senate Democratic Policy Committee, March 31, 1958.

A distinction should be made between Congressional and committee seniority. Taking the former first, senators are ranked according to the length of uninterrupted service, dating in most cases from the opening day of the Congress to which they are elected. If they are elected or appointed to fill an unexpired term, different provisions prevail. The appointee starts accumulating seniority on the date on which a governor certifies his appointment. If a special election has been held, however, seniority commences on the day on which the new senator takes the oath of office, if the Senate is in session; or if it is not in session, then on the day after the election. Those entering on the same day are listed alphabetically, with the same rank number. House procedure is similar, except that greater credit is given for non-consecutive service. Those with three non-consecutive terms are ranked above those with two consecutive terms, for example. Congressional seniority is followed on social occasions, in the allocation of office space, and in making assignments to committees.

Committee seniority is established by consecutive service on a given committee. If two or more members go on a committee at the same time, note is taken of previous political experience, preference being given to former senators, to former representatives and finally to former governors. If previous political experience is equal, they are likely to be ranked alphabetically; in the House they may draw lots.[6]

When the committee party ratio changes because of a change in the party ratio of the house, members of the minority party with the least seniority may thereby lose their committee assignments. Otherwise the right to remain on a committee and to move up the ladder is generally unquestioned. A study of the committee assignments of Senate party bolters since 1925[7] shows only two examples of removal from a committee regardless of seniority (Frazier in 1925 and Morse in 1953) and four examples of members remaining on their committees but losing seniority (Ladd, Brookhart, Frazier and LaFollette in 1925). In all other cases, including those of 1948 when Senator Eastland supported the Dixiecrats and Senator Taylor ran on the Progressive ticket, no retaliatory committee action was taken.

If a ranking member leaves a vacancy because of transfer to another committee or retirement from Congress, all his fellow party members on the committee who were beneath him move up in rank. The career of Representative Sabath, to cite a case, gives a unique illustration of what can be accomplished by transfer, if it is combined with longevity. He entered Congress in 1907, transferred to the Rules Committee in 1929, after 22 years of service, became its chairman in 1939 after another ten years, and remained the ranking Democrat on the Committee for 13 more years.[8]

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[6] So John M. Vorys of Ohio lost the draw to Robert B. Chiperfield of Illinois in 1939 when both were assigned as Republican freshmen to the House Foreign Affairs Committee. Twenty years later, when Vorys retired, though he had been for most of that period the Republican mainstay on the Committee, he was still only second ranking minority member—Chiperfield's district was as safe as his, and the seniority order once established was not disturbed.

[7] Ralph K. Huitt, "The Morse Committee Assignment Controversy," this Review, Vol. 51 (June, 1957), p. 313.

A member who is defeated or who fails to run, and later returns to Congress again, loses his congressional and his committee seniority. He is likely, however, to receive more important committee assignments than the average freshman. Alben Barkley, for example, after a tour of duty as Vice-President, was reassigned to his former committees, Finance and Foreign Relations.

In short, to become a chairman, a legislator must remain continuously on a given committee longer than any other fellow party member, and be of the majority party. It is not uncommon to find men on a given committee of higher House and Senate rank than the committee chairman. This is partly a matter of luck and partly a feeling on the part of some that it is better to be second or third on an important committee than chairman of a minor one. In the 85th Congress, for example, fourteen Democratic senators who were not chairmen had seen greater service in the upper house than Senator Hennings, the Rules Committee chairman, and sixty-one Democratic representatives who were not chairmen had seen greater service in the lower house than Congressman Burleson, chairman of the Committee on House Administration. But other members will stay with an early assignment, preferring to be bigger fish in smaller ponds.

Although they have no power to determine who shall be committee chairmen, party committees-on-committees in the House and Senate make important decisions on initial committee assignments and transfers from one committee to another. There is great variety in these committees, as can be seen from Table I, which describes the situation prevailing in the 85th Congress (1957–1958). House committee-on-committee members are chosen in a way that would seem to make them less subject to party leadership control than Senate members; however, there is no doubt that the House party leaders can influence the appointment of these members when they find it advisable.

In working out the "giant jig saw puzzle" of committee assignments[9] certain limitations are generally observed by these committees-on-committees. They must, of course, be guided by the number of vacancies and by the number of applications for transfer. Care is taken to attain geographical distribution, if

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[8] Roland Young, *The American Congress* (New York, 1959), p. 71.

[9] "It is a perfectly terrific headache for those who have the job of trying to make committee assignments." Senator White in U. S. Congress, Joint Committee on the Organization of Congress, *The Organization of Congress*, Hearings, 79th Cong., 1st sess. (Washington: Government Printing Office, 1945), p. 394 (hereafter, referred to as Hearings, *The Organization of Congress*).

TABLE I. COMMITTEES-ON-COMMITTEES IN THE 85TH CONGRESS

	Senate Democrats	Senate Republicans	House Democrats	House Republicans
No. of Members	15	23	15	38
How Chosen	By Floor Leader (Johnson); called Steering Committee	By Conference Chairman (Saltonstall) with Conference approval	Democratic members of Ways & Means, *ex officiis*, who are chosen by Democratic Caucus	Each State Republican delegation chooses one member, with as many votes as state has Republican Congressmen
Chairman	Floor Leader (Johnson)	(Bricker), designated by Conference Chairman	Ranking Democrat on Ways & Means (Cooper, followed in '58 by Mills)	Floor Leader (Martin)

not balance.[10] Attention is paid to group desires[11] and to the experience and training of individual legislators. And balance among the various factions of the party is sought. Beyond these more or less objective factors, being in the good graces of the party leader is certainly important in getting on a major committee.[12]

The House Republican Floor Leader presides over his party's committee-on-committee, and, while Speaker (or, in the 80th and 83d Congresses, Floor Leader) Rayburn does not preside, "his presence is felt in the deliberations." Important positions are most likely to go to those who display party regularity or, at least, support for the party leader, as the following ditty tells:

I love Speaker Rayburn, his heart is so warm,
And if I love him he'll do me no harm.
So I shan't sass the Speaker one least little bitty,
And then I'll wind up on a major committee.[13]

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[10] In the Senate, for example, there may not be two senators of the same party from the same state on any committee, a practice that is convenient on other grounds, since it eliminates what otherwise might be a source of intrastate jurisdictional disputes between the two senators.

[11] Farm state representatives dominate the agriculture committees, for example, and only lawyers are seated on the judiciary committees.

[12] Much of this material is drawn from interviews in Washington on March 31 and April 1, 1958, with George Reedy, Senate Democratic Policy Committee; Lloyd Jones, Senate Republican Policy Committee; Mark Trice, Minority Secretary of the Senate; Leo Irwin, Clerk of the House Ways and Means Committee; and Congressman Donald Nicholson, member of the House Republican Committee on Committees.

[13] Quoted by Arthur Krock, *New York Times*, April 8, 1958, p. 28. A Washington saying, attributed to Rayburn is, "If you want to get along, go along."

This party control, which is expected in the more tightly knit House, is also found, though perhaps to a lesser degree, among the Senate Democrats. The so-called "Johnson Rule," initiated in 1953 when the present Democratic majority leader came into power, allows for departures from seniority in making appointments and, in so doing, leaves room for the application of less automatic criteria. According to the rule, no Senate Democrat is entitled to a second top committee assignment until every party member, no matter how junior, has one top position.

For all the committees-on-committees "it is handy to have the seniority system to pull them out of a dilemma"; but seniority has not been a controlling factor in the making of initial appointments and transfers, except among the Senate Republicans. Until the 86th Congress this group, however, placed the utmost emphasis on making the appointment process entirely automatic. Seniority was carefully measured, previous government service weighed and, if all else failed, the alphabet was resorted to in order to solve the committee assignment problem on an impersonal basis. In 1959, the Senate Republicans moved far in the direction of the "Johnson Rule," after considerable discussion in the Policy Committee and the Committee on Committees.[13a]

In making initial appointments and transfers there is room for choice and for favoritism, but there is almost no room for this in choosing committee chairmen. Becoming a chairman is a matter of party luck and of individual endurance. Once a member becomes a committee chairman, nothing but a change of party control or removal from the Congress is at all likely to force a change.[14] Chairmen have great powers. They subdivide the work of the committees, arrange the agenda and the work schedule, control the staff, preside over committee meetings, manage floor debate, and dominate conference committee proceedings, to mention only their more obvious activities.

Seniority also plays a part in the appointment of conference committee members and subcommittee chairmen. It is difficult to generalize about the former, because there is great variety in practice: but if the legislation involved is important, the chairmen of the committees which handled the bill originally, the ranking minority members and other senior members, will in all likelihood make up the conference committee.

Subcommittee chairmen are generally the senior members of the majority party on a given committee. In the 85th Congress, for example, every senior member had his own subcommittee on 12 of the 34 committees (three had no standing subcommittees at all). On 19 committees, one or more of the senior members of the majority party was passed over in favor of a junior. In most cases a reason for this variance from seniority was obvious. The member, for example, may have been a party leader or the chairman of another committee. Yet in a number of instances there was no evident "automatic" reason for ignoring seniority. (One can guess at the reason why House Education and Labor Chairman Barden of North Carolina passed over Representative Adam Clayton Powell in favor of more junior members.)

[13a] *Congressional Quarterly Weekly Report,* July 1, 1958, p. 887 and *New York Times,* January 20, 1959.

[14] The voluntary abdication, early in 1959, of Senator Theodore F. Green of Rhode Island, then well into his nineties, as chairman of the Foreign Relations Committee, in order to make room for J. William Fulbright of Arkansas in that post, was a startling exception widely hailed as a tribute to Johnson's persuasive powers. Thomas S. Gordon of the House Foreign Affairs Committee relinquished his chairmanship during the 85th Congress on account of ill health.

II. HISTORICAL DEVELOPMENT

Historians of the House and Senate are not entirely clear as to when the seniority system, as we now know it, developed. This is not surprising, since it is a custom enforced by opinion, rather than by written rules. Seniority undoubtedly evolved first in the Senate, for this body was reluctant to give its presiding officer, the Vice President, the appointment power. He was thrust upon them by the Constitution, not chosen by the senators, and was not treated as a member of the Senate. Appointment power was vested in the President *pro tem* and in the majority leader, from time to time; but apparently the seniority system became firmly established with the development of standing rather than select committees, and with the crisis of the Mexican War.[15] Since then, although there is no definitive listing, at least five departures from the seniority rule in choosing or displacing committee chairmen apparently have occurred in the Senate. In 1859 Stephen A. Douglas was denied the chairmanship of the Committee on Territories; in 1871 Charles Sumner, the chairmanship of the Committee on Interstate Commerce; in 1913 Benjamin R. Tillman, the chairmanship of the Appropriations Committee; in 1924 Albert Cummins, the chairmanship of the Agriculture Committee; and in 1925 Edwin F. Ladd, the Committee on Public Lands.[16]

In the House the power of making committee appointments evidently gravitated early to the Speaker, who, unlike the Vice-President, was a member and the choice of his peers. It remained there until the revolt against Speaker Cannon in 1910 and 1911, when the seniority system took full hold. Even prior to this, however, seniority was a factor to be taken carefully into consideration. In carrying out the complex task of making committee assignments, the Speaker inevitably sought to regularize his work. One study, for example, notes that seniority prevailed in four-fifths of Cannon's appointments during the 58th through the 61st Congresses.[17]

In 1910, insurgent Republicans, working with Democrats, managed to take away many of the Speaker's powers, including the appointment of committee members and chairmen.[18] Congressman Norris proposed that this power be given to a newly constituted Rules Committee which would represent the entire country and every interest in the country, and which would not include the Speaker.[19] The Democrats, however, would not go along, and the system as we know it today developed instead.

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[15] Lauros G. McConachie, *Congressional Committees* (New York: Crowell, 1898), p. 281.

[16] Senator Morse in the debate on the nomination of Senator Eastland as chairman of the Judiciary Committee, U. S. Congress, *Congressional Record*, 84th Cong., 2d sess. (1956), p. 3815. "Cotton Ed" Smith, a Democrat, got Cummins' place, by a coalition vote.

[17] Chang Wei Chiu, *The Speaker of the House of Representatives* (New York: Columbia University Press, 1928), p. 71.

[18] For previous moves to strip the Speaker of his powers see D. S. Alexander, *History and Procedure of the House of Representatives* (Boston, 1916), p. 76.

Norris felt that "committee assignments were the rawhide used to promote party subserviency and to crush any spirit of independence."[20] He was willing to take any lessening of the Speaker's powers on which he could reach agreement with the House Democrats, but he regretted the fact that he could not get support for his proposed committee on committees. Still unrepentant, he wrote in 1944, "If we had adopted this rule, as I originally proposed it and as agreed to by all the Insurgents, the seniority rule would not be here to trouble us now."[21]

III. THE PROS AND CONS OF SENIORITY

The debate over the seniority system generally centers on the choice of committee chairmen. The favorable arguments stress the harmony which results from the system, the emphasis which it places on experience, and the lack of any more suitable alternative. The unfavorable arguments stress the effect of the system on party responsibility and Presidential leadership, the lack of any dependable relation between seniority and qualified leadership, and the fact that the committee leaders in Congress are by no means representative of many of the dominant interests either in the party or in the nation.

The most telling argument of the proponents of seniority is that the system promotes legislative harmony. It prevents hurt feelings on the part of those passed over in the struggle for appointment, and incidentally, it keeps pressure groups out of this struggle. As a result, it helps to create a more cooperative atmosphere, both in the legislative body as a whole, and on the various committees. Committees can act as more of a unit, and in a more non-partisan manner. Roland Young makes this point in this fashion:

> The adjustment of rival claims must precede the adjustment of major conflicts without being permitted to divert attention for long from the larger task at hand. Some harmony within the legislature—including agreement on the location of internal authority—must exist before the legislature can itself promote harmony between conflicting groups.[22]

Senator Barkley spoke in similar terms, when he opposed the Morse-Lehman attempt to prevent Senator Eastland from becoming Judiciary Chairman in 1956:

> The element of favoritism would come into play, and there would be log-rolling and electioneering for the votes of the committee members by those who wanted to be committee chairmen. . . . Jealousies, ambitions, and all the frailties of human nature would crop out in the electioneering methods of men who wanted to be chairmen of committees.[23]

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[19] George W. Norris, *Fighting Liberal* (New York, 1945), pp. 114–115.

[20] *Ibid.*, p. 132.

[21] A letter quoted in Robert Heller, *Strengthening Congress* (Washington: National Planning Association, 1945), p. 39.

[22] *The American Congress*, p. 46.

[23] *Congressional Record*, 84th Cong., 2d sess. (1956), p. 3822.

Another argument of the proponents is that the system produces experienced chairmen—experienced both in the subject matter of the committee on which they have served so long, and in legislative procedure. They may also be better acquainted with the officials at working levels in the executive branch with whom they have to deal than the more transient department heads, who come and go with changes of Presidents. Robert Luce suggests that "though not the only factor in deciding merit, experience is the most important factor."[24]

Finally, the proponents argue that the system is better than the alternatives, which range all the way from the even more arbitrary automatic proposal once made that the chairman be the member of the committee from the most Northern state, to one in which the President is responsible for the appointments. They take the essentially conservative position that there is no reason to change from a system that is working satisfactorily to a system about which the results are largely unknown. Some wonder if the system has not turned out to be a "rather handy scapegoat for Congressional inertia."[25]

People on both sides of the fence tend to agree that when and if Americans turn toward party responsibility, "seniority will be an early casualty."[26] The proponents of seniority, as one might expect, emphasize the harmonizing, rather than the issue-defining role of political parties, while the most outspoken critics of seniority favor responsible parties. They emphasize the diffusion of leadership among the 36 standing committees of Congress,[26a] and the fact that there is no adequate way of integrating their various programs. In fact, they hold, the people most likely to become chairmen, the people from one-party constituencies, are the ones most likely to be out of tune with the party's program:

> A chairmanship, after all, is the position of a quarterback on a football team. It should not be given to someone who refuses to be part of the team or who might even carry the ball across the wrong goal line.[27]

The system, the critics argue, is no guarantee that chairmen will be well qualified. A hardy constitution and the ability to get reelected in the home district do not necessarily fit a man to preside over committee meetings or to defend committee reports on the floor. If the system puts so much emphasis on experience, why, they ask, is a man who leaves to take an administrative post, but who returns later to Congress, given little or no credit for his previous experience?[28] There have been examples, also, of chairmen who were too senile to be effective. When Senator Capper became chairman of the Agriculture Committee he could neither make himself understood, nor understand others. "The seniority principle is followed mainly because the seniors are pleased with themselves and see no sufficient reason for consigning their powers to others."[29]

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[24] Robert Luce, *Congress: An Explanation* (Cambridge, 1926), p. 9.

[25] Stewart L. Udall, "A Defense of the Seniority System," *New York Times Magazine*, January 13, 1957.

[26] Roland Young, *This Is Congress* (New York, 1943), p. 109.

[26a] Two new standing committees were created by the 86th Congress, bringing the total to 36. These are the Senate Committee on Astronautical and Space Sciences and the House Committee on Science and Astronautics.

[27] Committee on Political Parties of the American Political Science Association, *Toward a More Responsible Two-Party System* (New York, 1950), p. 62.

[28] Senator Neuberger suggests that this is one reason why ex-Presidents have little interest in running for Congress. Richard L. Neuberger, "A Senator's Case Against Seniority," *New York Times Magazine*, April 7, 1957.

Finally, the critics suggest that the system produces a large number of chairmen who are representative of only one element of the party, and that, generally, a minority element. They represent "stagnant" districts made safe by restrictions on voting, by a one-party monopoly, by the ascendency of a major interest group, or by an effective rural or urban political machine.[30] Thus, the leaders of Congress, produced by the seniority system, are almost guaranteed to oppose the President, regardless of party, and a new non-constitutional dimension is added to our constitutional system of separation of powers.

IV. SOME EFFECTS OF THE SENIORITY SYSTEM

Although it is impossible to prove the correctness of many of these appraisals of the seniority system, some can be analyzed statistically. Charges have been made, for example, that chairmen are approaching senility, that certain sections enjoy a disproportionate share of the chairmanships, that chairmen come from districts which are socially and politically stagnant, and that they vote against their party and the President a great percentage of the time.

The statistics concerning seniority in this section cover the years 1947 through 1958. This period from the 80th through the 85th Congress is a logical one to take for analysis, for the committee pattern has remained essentially unchanged since 1947 when the Legislative Reorganization Act cut the total number of committees from 80 to 34. The period includes two Republican Congresses (80th and 83rd) and four Democratic Congresses. There were a total of 60 Democratic and 30 Republican chairmen in the Senate; 76 Democratic and 38 Republican chairmen in the House of Representatives,[31] counting each chairmanship for each Congress separately; altogether, 114 individuals occupied these 34 places during the time covered.

It is certainly true that chairmen are older than their colleagues, although perhaps not as markedly so as is commonly believed. The spread, greater in the House than in the Senate, averages 11 years in the former and six in the latter. Table II shows the age distribution of all chairmen at the commencement of each of the six Congresses studied. A greater percentage of Senate chairmen have been in their fifties than in any other ten-year period, while a greater

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[29] Alfred De Grazia, *The Elements of Political Science* (New York, 1952), p. 331. This was phrased differently to the author by Senator Saltonstall, as follows, "The longer I stay in Washington, the more sympathetic I become with the system."

[30] Galloway, *The Legislative Process in Congress*, p. 271.

[31] If a chairman died less than half way through a particular Congress, his successor was counted as if he had been chairman throughout in the statistical presentation made here.

TABLE II. AGE DISTRIBUTION OF HOUSE AND SENATE COMMITTEE CHAIRMEN

Age Range	House		Senate	
	Number	Per Cent	Number	Per Cent
40–49	9	8	6	7
50–59	32	28	29	32
60–69	43	38	28	31
70–79	24	21	20	22
80–89	6	5	7	8
	114	100	90	100

percentage of House chairmen have been in their sixties. The youngest chairmen in the period studied were Representative Velde (42) and Senator McCarthy (43), both in the Republican 83rd Congress. The oldest chairmen, both Democrats, were Representative Doughton (87) in the 82d Congress and Senator Green (89) at the commencement of the 85th Congress.

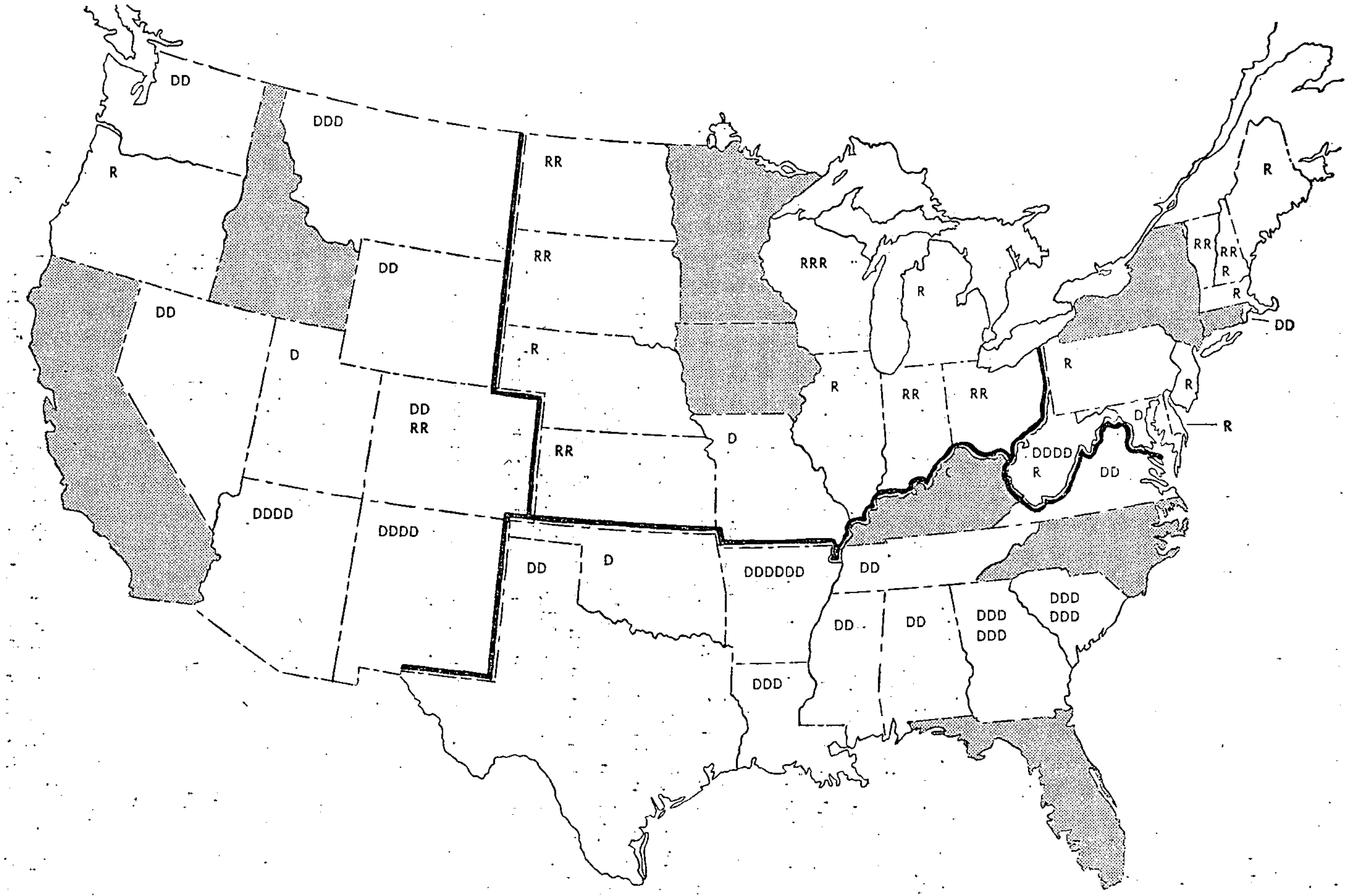
It is also true that the South provides a large percentage of the chairmen when the Democrats are in control, as the Middle West does when the Republicans are in control. Maps 1 and 2 show the states from which committee chairmen have come during the period under study. Perhaps this material can be better grasped in connection with Table III. Taking both parties together, each of the four regions has had a reasonably equal number of chairmen, except for the West, which has produced few House chairmen. However, over half the Democratic chairmen from the House and the Senate have come from the South, and over half the Republican chairmen from the Midwest.

There are a number of ways of attempting, very roughly, to identify the more

TABLE III. PERCENTAGE DISTRIBUTION OF COMMITTEE CHAIRMEN BY GEOGRAPHICAL REGIONS*

	Senate			House		
	Democrats and Republicans	Dems.	Reps.	Democrats and Republicans	Dems.	Reps.
East	20	12	37	22	17	31
Midwest	19	2	53	33	17	66
South	36	53	0	41	62	0
West	25	33	10	4	4	3
	100	100	100	100	100	100

* The regional groupings, which are marked on maps 1 and 2, are those used by *Congressional Quarterly, 1956* (Washington: Congressional Quarterly, Inc., 1956), p. 792.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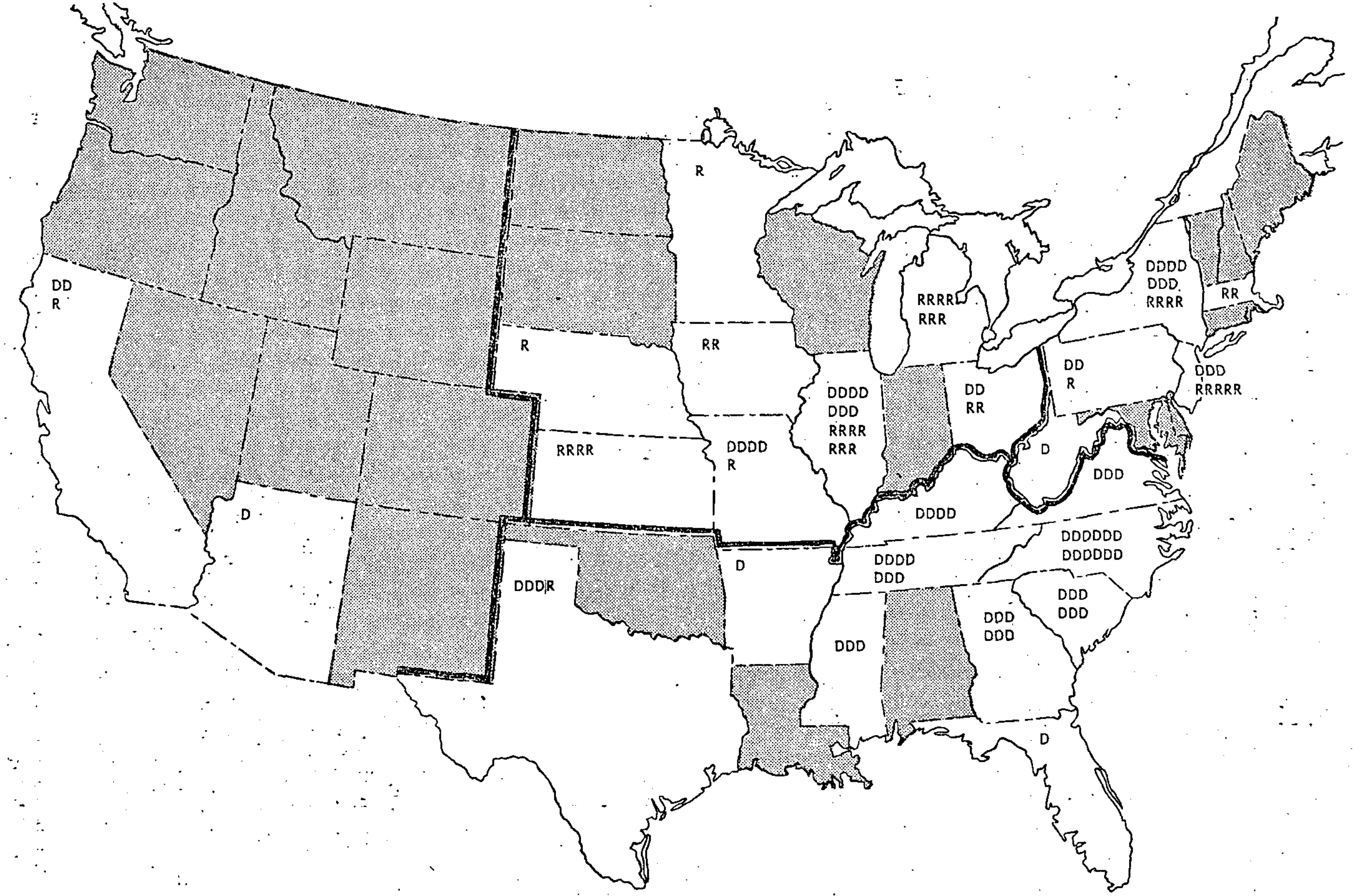
MAP 1. STATES FROM WHICH CHAIRMEN CAME, 80TH–85TH CONGRESSES, SENATE

Key—States which have been blacked-in produced no chairmen. A "D" or an "R" has been placed within a state boundary for each Democratic or Republican chairman from that state. A chairman who holds his position for more than one Congress is counted anew for each Congress. If a chairman died less than half way through a particular Congress, his successor is counted as if he had been chairman throughout.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MAP 2. STATES FROM WHICH CHAIRMEN CAME, 80TH–85TH CONGRESSES, HOUSE

Key—States which have been blacked-in produced no chairmen. A "D" or an "R" has been placed within a state boundary for each Democratic or Republican chairman from that state. A chairman who holds his position for more than one Congress is counted anew for each Congress. If a chairman died less than half way through a particular Congress, his successor is counted as if he had been chairman throughout.

"stagnant" states to see if they tend to produce the greatest percentage of chairmen. Presumably, in our urban-industrial society, rural states and states with low total personal income should fall into this category. Furthermore, in this two-party country, one-party states and states with low voter turnout should also fall into this category.

Table IV relates the degree of urbanism of the states, grouped in quartiles, to the percentages of committee chairmen from the states so grouped, during the period under study. The Senate, particularly under Democratic control, has drawn its chairmen from the more rural states. The 24 least urban states have had 67 per cent of the Democratic and 40 per cent of the Republican chairmen. In sharp contrast, the House chairmen have tended to come from more urban states, but with a similar differential between the two parties. The 24 most urban states have produced 79 per cent of the Republican and 43 per cent of the Democratic chairmen. The House results are very different, however, when the analysis is made by congressional districts instead of states.[32]

TABLE IV. PERCENTAGE DISTRIBUTION OF COMMITTEE CHAIRMEN, BY STATES GROUPED ACCORDING TO DEGREE OF URBANISM*

	Senate			House		
	Democrats and Republicans	Dems.	Reps.	Democrats and Republicans	Dems.	Reps.
1st Quartile	11	5	23	46	31	76
2d Quartile	31	28	37	9	12	3
3d Quartile	25	28	17	21	21	21
4th Quartile	33	39	23	24	36	0
	100	100	100	100	100	100

* The states have been ranked and divided into quartiles according to the percentage of population classified as urban. Bureau of Census, *1950 Census of Population* (Washington, 1951). A comparison with the 1940 urban percentages, even with the old definition of urbanism, shows so few changes in the division of states into quartiles that it seems justifiable to use the 1950 figures for the entire period. The first quartile (86.6%–65.5% urban) includes: New Jersey, New York, Massachusetts, Rhode Island, California, Connecticut, Illinois, Michigan, Pennsylvania, Ohio, Maryland, Florida; the second quartile (65.4%–54.8% urban) includes: Utah, Washington, Texas, Colorado, Delaware, Missouri, Indiana, Wisconsin, New Hampshire, Nevada, Arizona, Louisiana; the third quartile (54.7%–44.1% urban) includes: Minnesota, Oregon, Kansas, Maine, Oklahoma, New Mexico, Wyoming, Iowa, Virginia, Nebraska, Georgia, Tennessee; the fourth quartile (44.0–26.6% urban) includes: Alabama, Montana, Idaho, Kentucky, South Carolina, Vermont, West Virginia, North Carolina, South Dakota, Arkansas, Mississippi, North Dakota.

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[32] This perhaps more meaningful approach is to divide the 435 Congressional districts as nearly as possible into four quartiles. According to this breakdown, made for the 85th Congress only, the 109 most urban districts produced 21 per cent of the House chairmen, and 108 next most urban produced 5 per cent, the 110 next most urban 16 per cent, and the 108 least urban 58 per cent. See *Congressional Quarterly, 1956*, p. 790, for raw data.

TABLE V. PERCENTAGE DISTRIBUTION OF CHAIRMEN FROM STATES GROUPED BY TOTAL PERSONAL INCOME*

	Senate			House		
	Democrats and Republicans	Dems.	Reps.	Democrats and Republicans	Dems.	Reps.
1st Quartile	17	5	40	53	41	80
2d Quartile	18	27	0	37	51	7
3d Quartile	40	48	23	10	8	13
4th Quartile	25	21	37	0	0	0
	100	100	100	100	100	100

* Department of Commerce, *Survey of Current Business*, August, 1957, p. 8. Less recent total income figures make relatively little difference in the grouping of the states into quartiles so that it seems justifiable to use the 1956 figures for the entire period. The first quartile includes states which had between 2.16 and 11.96 per cent of the total national income, the second quartile between 1.23 and 2.15 per cent, the third between .51 and 1.22 per cent and the 4th between .18 and .50 per cent.

Another test of the social and economic characteristics of the states which have produced chairmen is found in Table V. The states are divided into quartiles according to total personal income for 1956. In the Senate, in line with the general criticisms of seniority, 65 per cent of the chairmen of both parties have come from the 24 states with the lowest incomes. In the House, on the other hand, more than half of the chairmen have come from the 12 states with the highest income.

Turning to more clearly political classifications, Table VI divides the states into those with one-party (10), with modified one-party (12), and with two-

TABLE VI. PERCENTAGE DISTRIBUTION OF CHAIRMEN FROM STATES GROUPED BY THEIR PARTY SYSTEMS*

	Senate			House		
	Democrats and Republicans	Dems.	Reps.	Democrats and Republicans	Dems.	Reps.
1-Party	33	47	7	21	32	0
Modified 1-Party	17	5	40	28	33	18
2-Party	50	48	53	51	35	82
	100	100	100	100	100	100

* Following the classification of Ranney and Kendall, *Democracy and the American Party System* (New York, 1956), pp. 161–164; more exacting criteria have recently been developed by Standing and Robinson, "Inter-Party Competition and Primary Contesting: The Case of Indiana," this REVIEW, Vol. 52 (Dec. 1958), pp. 1066–1069.

party systems (26). Almost exactly half of the House and Senate chairmen have come from two-party states, the remaining half being divided fairly evenly between one-party and modified one-party states. There are marked party differences, however, the most obvious being the fact that a greater percentage of Republicans come from two-party states. This is particularly noticeable in the House.[33]

A final test to see if chairmen tend to come from the more "stagnant" states, as is so often claimed, is to divide the states into quartiles according to the percentage of the adult population voting in the 1956 election, and relate this classification to the distribution of chairmen. The results are presented in Table VII. Because of the difficulty of obtaining data for previous elections, and the considerable variations in turnout over the years, this analysis was made for the 85th Congress only. A fairly even division among the four quartiles appears when both parties are combined, but a marked difference shows up

TABLE VII. PERCENTAGE DISTRIBUTION OF CHAIRMEN AND RANKING REPUBLICAN COMMITTEE MEMBERS FRROM STATES GROUPED ACCORDING TO VOTING PERCENTAGE OF POPULATION, 85TH CONGRESS*

	Senate			House		
	Democrats and Republicans	Dems.	Reps.	Democrats and Republicans	Dems.	Reps.
1st Quartile	20	20	20	24	11	37
2d Quartile	17	13	20	16	5	26
3d Quartile	33	7	60	31	26	37
4th Quartile	30	60	0	29	58	0
	100	100	100	100	100	100

* *Congressional Quarterly, 1957*, p. 140. The first quartile (77.3–72.0 voters per 100 persons of voting age) includes: Idaho, Connecticut, Utah, Massachusetts, New Hampshire, Rhode Island, Iowa, Illinois, Indiana, West Virginia, Montana, South Dakota; the 2d quartile (71.5–67.0): Delaware, Washington, New Jersey, Colorado, Wyoming, Vermont, Oregon, Minnesota, Kansas, Missouri, Michigan, North Dakota: the 3d quartile (66.6–54.8): Wisconsin, Nebraska, New York, California, Ohio, Pennsylvania, Maine, Nevada, Oklahoma, New Mexico, Kentucky, Maryland; the 4th quartile (49.8–22.1): Arizona, Florida, North Carolina, Tennessee, Arkansas, Texas, Louisiana, Virginia, Georgia, Alabama, South Carolina, Mississippi.

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[33] Another way to look at party strength is to determine what percentage of the members of Congress come from safe districts (districts which gave them 60 per cent or more of the 2-party vote), fighting districts (districts which gave them between 55 and 59.9 per cent of their vote) and doubtful districts (those which gave them less than 55 per cent of their vote in the most recent election). Data for the 85th Congress show, as might be expected, that there are more safe House than Senate districts. Seventy-one per cent of House chairmen or ranking minority members have come from safe districts, while the comparable figure for the Senate is 44 per cent. More Democrats than Republicans have come from safe districts.

again between the two parties. A considerable majority of Democratic House and Senate chairmen come from the 12 states with the lowest voter participation, nearly all of them southern.

Now, turning to voting records, Figure 1 charts the chairmen's performance in voting with the rest of their party. A "party unity" score is used, which indicates the percentage of times that a member votes in agreement with a majority of his party when a majority of the other party votes in opposition. The graphs compare the average party unity scores of the chairmen, of all members, and of the floor leader of the majority party in the Senate and House. They also make these comparisons within the Democratic and Republican parties. When a party is not in control of a given Congress, the score of the ranking minority members of the committees is given. The chairmen's score

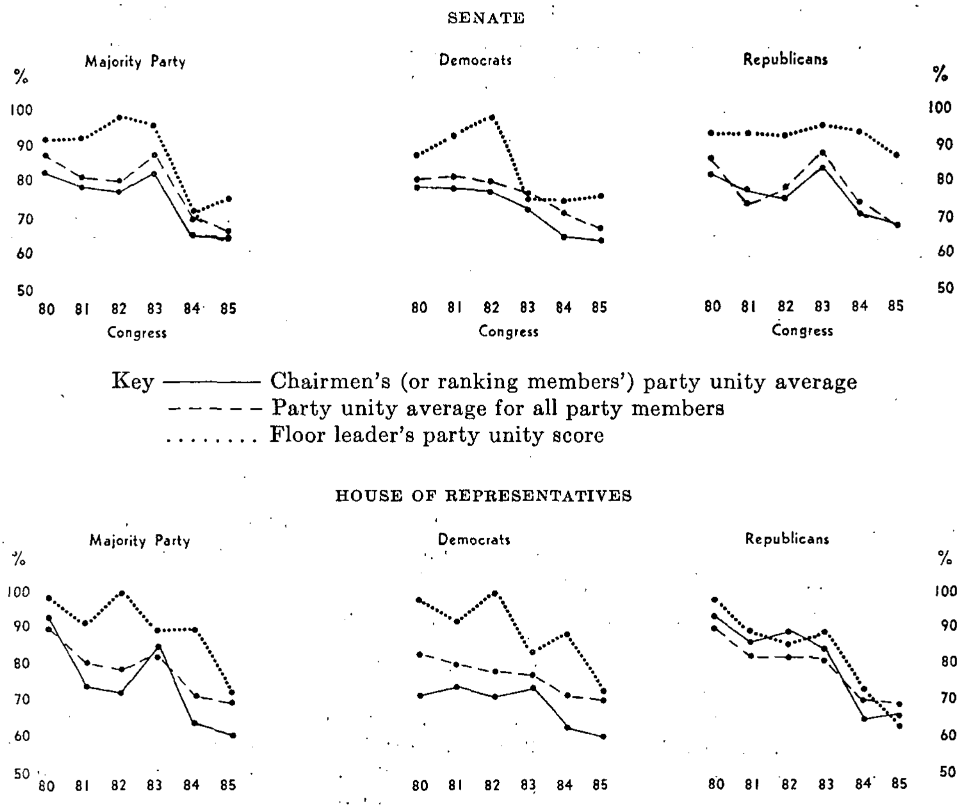

FIG. 1. Party Unity Score for Chairmen (or Ranking Minority Members) Compared with Score for Party Members and for Floor Leader, 80th–85th Congresses.*

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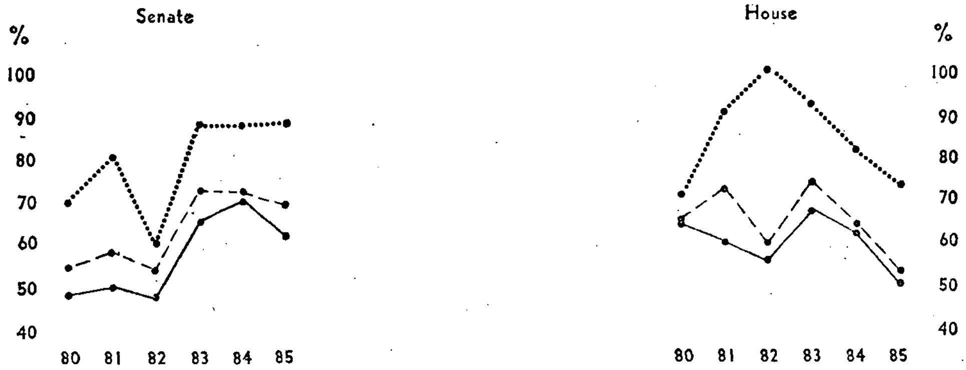
* Data for these charts are taken from the appropriate volumes of *Congressional Quarterly*. See, for example, p. 124 of the 1957 volume. It is risky to generalize that party unity has declined in recent years, on the basis of the material above, for until the 84th Congress, *Congressional Quarterly* counted all stands taken, whether by voting, pairing, announcing or answering a poll. Since then only actual votes have been used as a basis for the scoring.

is not far out of line with the average party member's score. It averages 3 per cent below in the Senate and 6 per cent below in the House. In the Republican-controlled 80th and 83d Congresses, the House chairmen actually had a party unity score higher than the members' average.

The usual view is that the chairmen's party unity score would be higher if these key Congressional leaders were chosen by the party leaders, as is the practice in a majority of state legislatures. Yet even under the seniority rule, the average is not so much lower than the score of the party leader as is commonly supposed. The chairmen's average is 16 per cent lower than that of the party leader in the House and 12 per cent lower in the Senate.[33a] The Congressional floor leaders, however, often have relatively low party unit scores. Party leaders, for example, voted on an average of 8 per cent below the highest individual party unity score in the House and 10 per cent below in the Senate. Well over half the chairmen are close to the top in party unity. Their average, however, is pulled down by the party mavericks who by seniority win one or two chairmanships in most Congresses.[34]



Key ———— Chairmen's (or ranking members') presidential support score
– – – – – Presidential support average of all members of President's party
. . . . Presidential support score for President's floor leaders

FIG. 2. Presidential Support by Members of the President's Party.*

* *Congressional Quarterly* has done a thorough analysis of Presidential support since the 83d Congress, and its data are used above. See for example, *Congressional Quarterly, 1957*, p. 102. In order to get a crude check on Presidential support in previous Congresses, the author made, for each Congress, a tally of ten votes (five on foreign and five on domestic issues) on matters on which the President's stand was clear. The procedure used was similar to that used by *Congressional Quarterly*, but it was not exhaustive.

[33a] This quite obviously does not give the full measure of a chairman's relationship to his party's stand. He can do a great deal in his committee to keep things he does not like from coming to a vote on the floor.

[34] A check for chairmen whose party unity score was 20 per cent or more below the chairmen's average turns up Republican Senators Aiken, Langer and Tobey in the 80th Congress, and Senator Langer in the 83d. "Maverick" Democrats in the Senate were: Johnson (Colo.), McCarran, McClellan in the 81st Congress; Johnson and McCarran in the 82d; Byrd and Eastland in the 84th; and Byrd in the 85th. In the House, Republican

Voting records also lend themselves to analysis of the degree of support that party chairmen, or ranking minority members, have accorded their President. Figure 2 compares the support given the President by the chairmen or ranking committee members of his party, by all the members of his party and by his party leaders in the House and Senate.[35] The chairmen's, or ranking members' score is not far below the average party member's score. It averages 4 per cent below in the House and 5 per cent in the Senate. The House chairmen's, or ranking members', score averages 24 per cent below that of the floor leader, while the gap in the Senate is 21 per cent.

In conclusion, a comparison should be made between the seniority system as it operates in the House and as it operates in the Senate, as well as a comparison of its operation under Democrats and Republicans. Turning first to its operation in the two houses, the analysis above shows some interesting similarities. The House and the Senate are about equally likely to get Southern committee chairmen, and voting participation in the states furnishing chairmen and ranking Republican committee members in the 1956 election showed a remarkably similar pattern. Further, there is a close similarity in the House and Senate party system patterns with 50 per cent of the Senate and 51 per cent of the House chairmen being chosen from two-party states.

However, House chairmen come from more urban states (46 per cent from the most urban quartile while only 11 per cent of the Senate chairmen came from these states) and from states with higher total personal incomes (with 53 per cent from the first quartile compared to 17 per cent for the Senate). It is tempting to hazard a guess, therefore, that House chairmen, with a generally more urban-industrial background, should tend to be more closely aligned with their party and with a President of their party. The statistics presented on the voting records of chairmen fail to show this conclusively, however.[35a] House chairmen and ranking members voted on an average 2.8 per cent more with their President than did Senate chairmen (60.8 per cent compared to 58.0 per cent for the Senate), but Senate chairmen voted, on the average, .7 per cent more with their party than did House chairmen (79.2 per cent compared to 78.5 per cent).

More marked differences show up in the backgrounds of the chairmen as between the two parties than as between the House and Senate chairmen; and a prediction of probable voting behavior based on these backgrounds is borne out. Democratic chairmen come from states which are more Southern

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chairman Welch was more than 20 per cent below the chairmen's average in the 80th Congress. Democrats who fell in this category were Barden, Murray, Rankin and Wood for the 81st; Barden, Doughton, McMillan, Murray, Rankin, Stanley and Wood for the 82d; Barden in the 84th and again in the 85th, when he was joined by Buckley.

[35] During the 80th Congress there was a Democratic President and a Republican Congress; during the 81st and 82d both President and Congress were Democratic; during the 83d both President and Congress were Republican, and during the 84th and 85th there was a Republican President and a Democratic Congress.

[35a] It must be remembered that much of the information concerning House Chairmen applies to the entire states from which they come, and not to the specific congressional districts which may be atypical of the states.

and more rural, which have lower incomes, which tend more strongly to one-partyism and which have a lower voter turnout. It might be expected, consequently, that a greater percentage of Democratic chairmen would be out of line with their party and their President. In the period studied Senate Republican committee leaders supported their President 22.0 per cent more often than Democratic committee leaders supported theirs (70.7 per cent as compared to 48.7 per cent). They also showed slightly greater party unity than the Democrats (77.8 per cent as compared to 76.3 per cent). In the House, Republican presidential support was only 1.0 per cent greater than Democratic presidential support (61.3 per cent as compared to 60.3 per cent), and Republican party support was 3.0 per cent greater than the party support of Democratic leaders.

This statistical analysis does not make as clear a case against seniority as many of the critics of the system seem to claim. Chairmen are older on the average than their colleagues, and yet with luck a number of younger men are singled out for chairmanships. The districts which produce chairmen are not as stagnant as is often suggested, and the degree of party unity and presidential support among chairmen is not as low as many believe. The picture, however, is far from the ideal held by the proponents of majority rule.

V. ALTERNATIVES TO THE PRESENT SYSTEM

Americans have shown great ingenuity in suggesting alternatives to the seniority system. Most possibilities were presented by those who testified in 1945 before the Joint Committe on the Organization of Congress, popularly known as the LaFollette-Monroney Committee.[36] The most drastic proposals would change the system of choosing chairmen, either by substituting some other automatic means of choice, or by giving the decision to a specific constituency such as the members of each committee, the full membership of the entire house, or to some party mechanism. A more moderate type of proposal would attempt to mitigate the effects of the seniority system while continuing to work within it, either by more careful initial recruitment of committee members or by limiting the power of committee chairmen.

One proposal for changing the system completely, that of rotation in office, would act as automatically as the present system. This could take the form of passing the chairmanship around among all majority members with six years or more service after a chairman has been in office for an equal length of time, or after he has reached the age of 65.[37] It could also take the form of putting a limit on the length of time a legislator can spend on any committee.

Chairmen, it is often suggested, should not be chosen automatically, but rather by some constituency on the basis of certain rationally thought out criteria. Members of the various committees could be given the power to choose their own chairmen,[38] or at least to override the seniority system when a majority (or two-thirds) of the committee so decides.[39] Another possibility, of course, would be to have the chairmen chosen by the entire house, by secret ballot. Senator Morse argued for this when he objected to the choice of Senator Eastland as Judiciary Committee chairman in 1956. He reasoned that Senators have a right to sit in Congress, unchallenged, as agents of their states, but that Senators, themselves, should be able to choose their own agents, even if they are members of the minority party.[40]

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[36] Of a total of 16 people who spoke at the hearings on the seniority system, 14 were critical of its operation.

[37] See testimony of Representative Gore at p. 389 in Hearings, *The Organization of Congress*; also *Toward A More Responsible Two-Party System*, p. 37.

These alternatives may give a chance to choose chairmen on the basis of ability or devotion to the "public" interest or some other criterion, but they do not place any emphasis on party responsibility. Many feel that Congress would be greatly strengthened if its committee leaders were also acknowledged party leaders. To this end chairmanship appointments could be made by one of a number of party organs: the caucus, the committee on committees, the rules committee, the policy or steering committee, the floor leader or the presiding officer.

The second general approach to the problem is to attempt to lessen the effects of the system while continuing to work within it. One such proposal stresses recruitment of new members to important committees. Carefully selected committees on committees[41] should give great attention, according to some proposals, to procuring geographical and political balance on each committee. Not only should each region be represented, but representation of consumer, agricultural, business and labor interests, should also be assured. Recent political trends would be more clearly felt if each committee had a number of first, second and third termers in proportion to the number of each group in the house. Some have further suggested that the controlling party should exaggerate its majority on each committee.[42]

Another means of mitigating the effects of the system is to limit the powers of committee chairmen by stripping them of some of the perquisites which give them control over their members and by making it easier for committee majorities to override chairmen's decisions.

Aside from democratizing committee procedure, another means of limiting the power of chairmen would be to give non-committee members certain powers. One suggestion along these lines is the institution of a docket day, a day on which those who filed a bill may appear before the committee handling it and urge action.[43] A further approach is to liberalize the discharge rule. A House discharge rule was adopted in 1910 as part of the anti-Cannon revolt. It has been modified three times and, at present, discharge is so difficult to achieve that the rule is largely ineffective.[44]

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[38] See testimony of George Smith at p. 406 and of Representative Gore at p. 888, Hearings, *The Organization of Congress.*

[39] See testimony of Senator Kefauver, *ibid.*, p. 72. One staff member suggested that the committee members choose a member of the staff as chairman, without vote. George Smith at p. 406.

[40] *Congressional Record,* 84th Congress, 2d sess. (1956), p. 3816.

[41] Robert Heller suggests a joint party leadership committee such as George Norris proposed in 1910. Hearings, *The Organization of Congress,* p. 858.

[42] See testimony of Ted Salvey at p. 881 and of Daniel Kornblum at p. 930, *ibid.* Woodrow Wilson in his *Congressional Government* (Boston, 1885), p. 99, suggested that minority party members be removed from committees altogether. This has been the regular practice of the Connecticut state legislature for its key committees; and historically the House Ways and Means Committee operated informally in this fashion, by closed sessions for majority members only, when it considered tariff legislation.

Finally, some feel that, if there is no flexibility in the seniority system, certain flexibilities can be developed elsewhere in the legislative process when necessary. Now and then it may be possible to pack a committee in order to get a favorable result.[45] Committee jurisdiction should not be so clearly defined that there is not some leeway to choose between committees (and committee chairmen) when bills are assigned. And occasionally, certain matters can be assigned to select committees, for the seniority custom does not operate here.

VI. THE "JOHNSON RULE" AND OTHER AMELIORATIONS

At the present time the most fruitful area for change, in the eyes of the author, lies in the second type of proposal discussed above, that of ameliorating the effects of the system. Some quiet but important changes have taken place in the past few years in connection with the recruitment of new committee members and the lessening of the powers of committee chairmen.

Senate Democratic Floor Leader Lyndon Johnson has devised a formula which makes it possible for younger men to get on important committees. According to the formula, no member of the party, regardless of seniority, is to receive a second top committee seat until every Democratic Senator has been given at least one such assignment. This was cited by Senator Kennedy when he made his successful bid for membership on the Foreign Relations Committee, transferring from Government Operations. The fact that he was chosen over Senator Kefauver, who had four more years of Senate seniority, caused the latter to comment, "I am interested to learn that the seniority system is a rule that may or may not be applied by the Senate leadership in deciding the rights of Senators."[46]

Before the results of the Johnson rule can be tested, some attempt is necessary to determine what the top committees are. No complete agreement is in sight on a definitive list ranking committees in order of their importance. The man with a business background might well consider Banking and Currency a top committee, a man with union interests might feel the same way about Labor, and a Westerner similarly about the Interior committees. A practical approach to the problem, however, is to measure the desirability of the committees by finding the relation between the number of members who transfer to, and the number who transfer from, each committee. If these numbers are weighted according to the number of members on each committee, a fairly accurately indication of committee desirability can be reached. Table VIII presents this ranking for Senate committees. A preference ranking of House committees, following the same procedure, lists them in this order: Rules, Foreign Affairs, Ways and Means, Un-American Activities, Appropriations, Armed Services, Interstate Commerce, Judiciary, District of Columbia, Agriculture, Education and Labor, Banking and Currency, Interior, House Administration, Public Works, Government Operations, Merchant Marine, Post

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[43] See testimony of Representative Herter, Hearings, *The Organization of Congress* p. 100.

[44] See F. M. Riddick, *The United States Congress: Organization and Procedure* (Washington: National Capitol Publishers, 1949), pp. 236–262. Bertram Gross is critical of the discharge procedure, saying that "a bill that is discharged cannot be perfected through the use of minor amendments and the perfecting process is thrown open to the floor of the house." *The Legislative Struggle* (New York, 1953), p. 322.

[45] Young gives such an example in *This Is Congress*, p. 115.

[46] *New York Times*, January 8, 1957.

TABLE VIII. PREFERENCE RANKING OF SENATE COMMITTEES*

Senate Committees	Senators Transferred				
	To (A)	From (B)	Net Shifts (A−B) (C)	No. Committee Members (D)	Net Transfers Per Unit of Membership (C÷D) (E)
Foreign Relations	17	1	+16	84	+.19
Finance	16	2	+14	84	+.17
Interstate Commerce	17	4	+13	84	+.15
Judiciary	16	3	+13	84	+.15
Appropriations	23	4	+19	132	+.14
Armed Services	12	3	+ 9	84	+.11
Agriculture	11	5	+ 6	84	+.57
Interior	5	5	0	84	0
Banking and Currency	5	9	− 4	84	−.05
Labor	3	7	− 4	78	−.05
Public Works	5	15	−10	76	−.13
Government Operations	5	20	−15	78	−.19
Rules	7	20	−13	66	−.20
Post Office	3	21	−18	76	−.23
District of Columbia	4	29	−25	66	−.38

* Information in this Table was gathered from appropriate volumes of the *Congressional Directory.* Column A gives the number of senators who transferred to each committee during the 81st through the 85th Congresses. (Initial 80th Congress appointments, when the new committee system went into effect, and freshmen appointments are excluded.) Column B lists the number of legislators who transferred off each committee during the same period. Column C gives the number who transferred onto the committee less the number who transferred off. Column D lists the total number on each committee for the entire period under study. (The entire membership of each committee was counted anew for each Congress, since the size of the various committees was changed at a number of different times.) Column E, which gives the net transfers per unit of membership, was arrived at by dividing column C by column D. A similar survey of freshmen assignments bears out this listing remarkably well, for the results are almost exactly the reverse of this listing.

Office, Veterans Affairs. The high esteem for Foreign Affairs in the House is a recent phenomenon.

The Johnson rule has made a difference, as can be seen from Table IX, which lists the percentages of Democratic and Republican Senators who have important committee assignments in the 85th Congress and compares them with assignments in the 82d, before the Johnson rule went into effect. All but two Democratic Senators in the 85th Congress had membership on at least one of the top eight committes as ranked in Table VIII,[47] whereas nine Republican Senators had no important posts.[48] As has been pointed out above, Senate Republicans moved to equalize committee assignments in the 86th Congress. As a result, only three (nine per cent) of the 34 Republican Senators received no important assignments.

TABLE IX. PERCENTAGE DISTRIBUTION OF TOP SENATE COMMITTEE ASSIGNMENTS

	Democrats		Republicans	
	85th Cong.	82d Cong.	85th Cong.	82d Cong.
None	4	16	19	26
One	54	45	36	38
Two	42	39	45	36
	100	100	100	100

In the House, where the average member has only one committee position, the Johnson rule could not apply. But both houses have taken some important steps to limit the powers of committee chairmen.[49] Action along these lines became more practicable after the passage of the Legislative Reorganization Act of 1946. By decreasing the number of committees from 80 to 34, while expanding the jurisdiction of each committee, the reorganization made chairmen much more visible. It also increased the number of members on each committee, thus making a broader committee base possible.

The same act contained provisions designed to limit one-man rule and to make committee decisions subject to majority will. Section 33 called on each committee to set regular meeting dates, to hold open hearings (except when marking up bills, or voting, or when a majority of the committee decides to go into executive session), to keep a complete record of all committee actions and to report out measures only after majority consideration. Once such action is taken, "it shall be the duty of the chairman of each such committee to report or cause to be reported promptly . . . and to take or cause to be taken necessary steps to bring the matter to a vote." While these provisions are evidently not always observed, they make it more possible for committee members to insist on democratic procedure when they desire it.

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[47] It is probable that one of these, Senator McNamara of Michigan, because of his strong interest in labor, feels satisfied with his membership on the Labor Committee.

[48] These were Senators Beall, Case (New Jersey), Cooper, Curtis, Ives, Javits, Martin (Iowa), Morton, Revercomb.

[49] Roland Young comments in *The American Congress*, p. 72, "In the long run the problems raised by the seniority method of selecting chairmen may perhaps best be met by modifying the functions of the chairman, making him simply the presiding officer of a collegiate body and not an official having independent authority by virtue of his title."

The Senate has not amended its rules to democratize committee procedure further, although an attempt to do so was made in the 84th Congress.[50] The House of Representatives, which, because of its size, is more likely than the Senate to spell out its rules, has taken action, however. Paragraphs 24 and 5 of Rule XI incorporate portions of the Legislative Reorganization Act and go beyond it. For example, provision is made for the calling of special committee meetings over the objection of the chairman.

Further, an increasing number of committees are adopting procedural rules which help safeguard action. Eight[51] of the 15 Senate committees and nine[52] of the 19 House committees informed the author that they had some procedural regulations other than those of their respective houses or of the La-Follette-Monroney Act. Most frequently these rules spell out the rights of committee witnesses in considerable detail, but many give protection against arbitrary action by the chairman. Signs of democratization of committee procedure were noted by Arizona's Congressman Stewart Udall in an article in the *New York Times*.[53] He cited as a model the rules and procedure of the House Committee on Interior and Insular Affairs. These rules limit the power of the chairman by providing that bills be automatically referred to the standing subcommittees, whose jurisdiction is clearly defined, and that subcommittee chairmen be chosen on the basis of seniority.[54]

Udall cited the other committee of which he was a member, Education and Labor, as an example of an unreformed committee. Its rules were brief and to the point:

> Be it resolved by the Committee on Education and Labor of the House of Representatives for the 84th Congress that the Chairman of the Committee be authorized to appoint such subcommittees as he may see fit to carry out the prescribed duties of the Committee.
>
> Be it resolved . . . that it be the policy of the Committee to meet at the call of the Chair.

In 1957, after careful bipartisan groundwork by Representative Udall, rules essentially similar to those of the Interior Committee were adopted.[55]

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[50] Senate Resolution 22, sponsored by Senators Kuchel and Bush, *Congressional Record*, 84th Cong., 1st sess. (1955), p. 355.

[51] Armed Services, Banking and Currency, District of Columbia, Government Operations, Interstate Commerce, Judiciary, Post Office, Rules.

[52] Agriculture, Armed Services, Banking and Currency, District of Columbia, Education and Labor, Foreign Affairs, Government Operations, Interior, Un-American Activities.

[53] "A Defense of the Seniority System," January 13, 1957.

[54] It is interesting to note that some who are seeking to limit the effects of the seniority system by lessening the power of committee chairmen, are, paradoxically, most anxious to have subcommittee chairmen chosen on the basis of seniority, so as to lessen the rewards and punishments available to committee chairmen.

[55] Interview with Representative Udall, April 1, 1958.

Udall suggests the following steps designed to democratize committee procedure, all of which have been adopted by one or more committees: (1) provision should be made for regular committee meetings and for special meetings when the majority so desires.[56] (2) Subcommittees should be organized on a permanent basis, each with clear jurisdiction, and with members having some choice of subcommittee assignments, but with subcommittee chairmen chosen on the basis of seniority.[57] (3) Executive sessions should be limited.[58] (4) Finally, it should be made impossible to pigeonhole bills without at least the tacit consent of the entire committee.[59]

The approach of this article has been tempered somewhat as a result of discussion with a number of Congressional staff people who have an intimate knowledge of legislative procedure. Most of them feel that traditional academic criticism of the seniority system is both unrealistic and unfair. All are convinced that the system will remain for the foreseeable future. The approach has been further tempered by respect for some of the conservative checks on majorities which are found in our government. The seniority system is among the more defensible of these Congressional checks. One can readily understand the reasons for its development, for it is common to most institutions. An acceptable alternative is extremely difficult to devise.[60]

The realistic approach for a reformer, therefore, seems to lie along the lines of improving the system as it now operates. Already significant strides have been made in that direction.

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[56] The *Congressional Directory* for the 85th Congress lists regular meetings on a monthly, bi-monthly or weekly basis for all but the Senate Appropriations Committee and the House Committees on Appropriations, Banking and Currency, Public Works, Rules, Veterans Affairs and Ways and Means. The Legislative Reorganization Act excludes Appropriations Committees from the requirement of setting a regular meeting date because of the seasonal nature of their work.

[57] The *Congressional Quarterly* for 1957 lists subcommittees for all but the Senate Finance Committee and House Committees on Rules and Un-American Activities. Some do not seem to have clearly defined jurisdiction, but the subject matter of some of the committees does not lend itself to clear definition either.

[58] In 1957, with the exception of the committees dealing with foreign affairs, finance and the military, of which a considerable number of executive sessions are to be expected, the following held closed sessions for 40 per cent or more of the time: Senate Committee on Agriculture (41 per cent), Rules (69 per cent); House Committee on House Administration (55 per cent), Judiciary (53 per cent), Public Works (58 per cent). *Congressional Quarterly*, 1957, p. 94.

[59] An approach to this problem, suggested by Representative Herter, would be to allow one-third of the committee members, if they feel that a bill has merit, to put it on a calendar. Hearings, *The Organization of Congress*, p. 101.

[60] In spite of the many criticisms of seniority voiced by those who testified before the LaFollette-Monroney Committee, no action was taken "because of lack of agreement within the Committee as to workable changes in existing practices." Joint Committee on the Organization of Congress, *The Organization of Congress*, Senate Report 1011, 79th Cong., 2d. sess. (1946), p. 35.

THE POLITICAL ATTITUDES AND PREFERENCES OF UNION MEMBERS:

THE CASE OF THE DETROIT AUTO WORKERS

HAROLD L. SHEPPARD AND NICHOLAS A. MASTERS
Wayne State University

The emergence of American labor unions to positions of actual or potential power as organized forces in election campaigns has stirred a great deal of controversy over the limits and propriety of union political activity. A decade and more after the Taft-Hartley Act provisions on that subject, argument continues as vigorously as ever about the need for, and if a need, then the nature and extent of, legal controls over the power of union leaders to enlist and commit their membership to electioneering goals. Underlying many of these debates is the complex question of union membership solidarity in political affairs. For if, to some, solidarity suggests dangers, it also indicates difficulties in the way of making controls effective. Yet we have only begun to explore the solidarity of rank-and-file attitudes toward union political activity.[1]

This study attempts to examine the political opinions of some members of the United Automobile Workers (UAW) in the Detroit area. It is not difficult to justify singling out the UAW for special study, without implying that UAW members are typical or atypical unionists. Few unions have aroused as much political controversy as the UAW. More than most others it has emphasized partisan political activity. It has openly supported the Democratic party since 1948, and many of its leaders and members are active party workers. As a pressure group, it takes definite stands on many state, national, and international issues; and it has occasionally had an influential voice in administrative appointments at all levels of government. The leadership constantly reminds the members of the close connection between politics and economics and of the necessity for political unity. Perhaps no other national union has been as politically alert and successful.

I. HYPOTHESES ABOUT THE POLITICAL ATTITUDES OF UNION MEMBERS

Some commonly held assumptions about union members' attitudes toward union political activity may serve as hypotheses for testing here. One that has had wide currency in the literature on the American labor movement is that the

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[1] A few studies have been devoted to this problem: see Irving Bernstein, "John L. Lewis and the Voting Behavior of the C.I.O.," *Public Opinion Quarterly*, Vol. 5 (1941), pp. 233–49; Ruth Alice Hudson and Hjalmar Rosen, "Union Political Action: The Union Member Speaks," *Industrial and Labor Relations Review*, Vol. 7 (1954), pp. 404–418; Arthur Kornhauser, Harold L. Sheppard, and Albert J. Mayer, *When Labor Votes: A Study of Auto Workers* (New York, 1956); Hjalmar Rosen and R. A. Hudson, *The Union Member Speaks* (New York, 1955); Harold L. Sheppard and Nicholas Masters, "Union Political Action and Public Opinion Polls in a Democratic Society," *Social Problems*, Vol. 5 (July 1957), pp. 14–20.

"union member tends to look upon collective bargaining and the strike as the proper sphere of union activity and upon election activity, especially partisanship, as outside this sphere."[2] Along the same line, C. Wright Mills comments that "labor unions as organizations and as memberships are oriented only in the economic sphere." He sees union members as "often politically passive and politically and economically illiterate, not yet realizing clearly that they are living not in an economy separate from the political order but in a political economy."[3] A more recent study has buttressed these views with empirical evidence. Ruth Alice Hudson and Hjalmar Rosen, in their study of the political opinions of members of a Midwestern regional union, concluded that "the immediate political power of unions at the polls is fairly limited . . . many members are not convinced their union should be active in politics at all, and a larger number do not think their union should use some of the procedures it has used to implement political activity" (such as telling members how to vote). They attribute the relative political impotence of unions not to membership disapproval of all forms of union political activity, but rather to the members' lack of "positive enthusiasm" and "uncertainty" on the subject.[4]

Other recent findings, also based on empirical data, point in a different direction, or at least limit the traditional generalization. Kornhauser, Sheppard and Mayer, in their 1952 election survey of the political attitudes of UAW members, found that the large majority of unionists were politically as well as economically oriented. More specifically they found that:

1. The majority of auto workers in the Detroit area (a) vote in agreement with union recommendations; (b) express trust in these recommendations; and (c) generally approve of labor's political activities, and desire that labor should have greater influence in politics.
2. An overwhelming majority of UAW members classify themselves as members of the Democratic party.
3. A statistically significant relation exists between approval of union political activity and a pro-Democratic position.
4. A minority of union members, ranging from 15 to 20 per cent, stand opposed to the union leadership's political policies.
5. Approximately 25 per cent of the membership stands uncommitted, ready to sway one way or the other.
6. The most vigorous supporters of labor in politics and the most interested in politics are the younger members who are more highly skilled, have higher hourly rates and incomes, and are better educated.[5]

The purpose of this study is to see how far these conclusions from the 1952 survey were still warranted in 1956. To this extent it is in part a continuation of the earlier survey. Its justification is that generalizations about political behavior, especially when they run counter to the main stream of the literature, should not rest solely on isolated surveys. By keeping a selected topic under scrutiny for a period of time hypotheses may be confirmed, qualified, or rejected.

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[2] David B. Truman, *The Governmental Process* (New York, 1951) pp. 298–299.

[3] *The New Men of Power* (New York, 1948) p. 236.

[4] Ruth Alice Hudson and Hjalmar Rosen, "Union Political Action: The Union Member Speaks," *Industrial and Labor Relations Review*, Vol. 7 (1954) p. 418.

[5] Arthur Kornhauser, Harold L. Sheppard, and Albert J. Mayer, *When Labor Votes: A Study of Auto Workers* (New York, 1956), pp. 262–299.

The study is based on a stratified area sample of Detroit residents. The total sample included 156 UAW members. The interviews were conducted over a three-month period beginning immediately after the November, 1956, election. Much of their content was derived from questions that had also been asked in the earlier survey. Additional questions were constructed for the purpose of exploring other facets of union members' attitudes toward union political activity.

II. POLITICAL ORIENTATION AND VOTING BEHAVIOR

Success at the polls is the acid test of any election strategy. In 1956, the UAW leadership proclaimed an election program designed to register and vote every union member and to insure a large union vote for Presidential candidate Adlai Stevenson and the entire Democratic slate. The UAW leadership was thereby pledged to venturing into controversial areas and it was anxious to achieve results. The results were impressive.

First, according to this sample, over 90 per cent of the UAW membership were registered and 87 per cent voted in the 1956 election. In some respects, perhaps, these findings are the most significant, for given the voting habits of people in the socio-economic stratum of union members, it may well be that this was all that was needed to insure a large Democratic vote. Second, a substantial majority (72 per cent) of those who voted cast their ballots for Stevenson. Finally, UAW members are overwhelmingly Democratic. Seventy-six per cent of the sample regarded themselves as Democrats or Independents with Democratic leanings, as compared with only 10 per cent who thought of themselves as Republicans or Independents with Republican leanings. Fourteen per cent regarded themselves as Independents.

These findings are generally similar to those of the 1952 survey.[6] In that survey, too, a large majority (80 per cent) of UAW members were found to be Democrats or Independents with Democratic leanings, and 75 per cent of the membership voted for Stevenson. Thus in neither election did Eisenhower's personal popularity drive any sizeable wedge in the UAW membership's support of Stevenson's candidacy. The extent of Stevenson's popularity among UAW members is the more remarkable in comparison with the national totals in 1952, which showed Stevenson getting only 45 per cent of the two-party vote; in 1956 he was able to hold only 43 per cent of that vote. These data make obvious the close relationship existing between the desires of the UAW leadership and the general political behavior of the membership.

One method of approaching the problem of workers' acceptance of union political activity is to determine their attitudes toward specific aspects of such activity, and how these attitudes relate to their actual voting behavior. To test the depth of their opinions, similar questions were asked concerning business political activity.

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[6] The two studies utilized different sampling techniques, the earlier one being based on membership lists of the union, and the later one on dwelling units. Despite this difference in methodology, comparisons within certain limits are justified, in our opinion.

To get at the first of three topics to be considered here, the following two-part question (taken from the 1952 study) was asked to UAW members:

(a) Would you like to see labor unions have *more* to say, or *less* to say, about things the government does?
(b) Would you like to see business groups have *more* to say, or *less* to say, about things the government does?

The replies are summarized in Table I.

TABLE I. ATTITUDES CONCERNING THE EXTENT OF INFLUENCE UNIONS AND BUSINESS GROUPS SHOULD HAVE ON GOVERNMENT

	Stevenson Voters	Eisenhower Voters	Did not vote; no answer	Total Sample
More for Labor	76%	41%	58%	65%
Less for labor	17	50	15	24
Neither more nor less for labor	—	—	9	2
Refused to say; no answer; other	7	9	18	9
	100%	100%	100%	100%
More for business	31%	53%	27%	35%
Less for business	58	38	40	50
Neither more nor less for business	—	—	9	2
Refused to say; no answer; other	11	9	24	13
	100%	100%	100%	100%

Without attempting any detailed discussion of Table I, the following observations can be drawn from it:

1. A pro-union political pattern is clearly discernible. A substantial majority of UAW members apparently feel that labor should have a greater influence on government policies than it presently has.
2. Correspondingly, an anti-business trend appears, although somewhat less pronounced than the pro-union feeling. It can be safely stated that many UAW members feel that business already has too great an influence on government policies.
3. The voting behavior of UAW members parallels their attitudes toward the extent of labor's influence on government. Stevenson voters were much more favorable to increased labor influence than were Eisenhower voters, and conversely Eisenhower voters were more favorable to increased business influence.

The degree of sentiment among union members in favor of increased labor influence in government can be illustrated in another manner. By eliminating those who felt that *both* labor and business should have *more* to say, and those who felt that *both* labor and business should have *less* to say, we can compare quantitively the degree of union sentiment toward increased labor influence in government with union sentiment toward increased business influence. This type of analysis also permits a comparison of the degree of union members' sentiment toward decreased labor influence with their sentiment toward decreased business influence. The percentages are as follows:

37 per cent think that labor should have more to say without feeling that business should.
6 per cent think that business should have more to say without thinking that labor should.
8 per cent think that labor should have less to say without feeling that business should.
35 per cent think that business should have less to say without feeling that labor should.

The data indicate rather clearly that the membership supports the leadership's desire to attain greater influence in politics, and, of at least equal significance, the membership is especially favorable to the leadership's objective of greater labor influence relative to the extent of business influence in government.

A second question was designed to deal with one of the more common forms of group participation in elections, the endorsement of candidates. Each interviewee was asked the following two-part question:

(a) As you know, during the Presidential campaign, many labor unions were for Stevenson, and many businessmen and business groups were for Eisenhower. Do you think it was all right for the unions to work to get Stevenson elected, or that it was not all right?
(b) Do you think that it was all right for businessmen and business groups to work to get Eisenhower elected, or that it was not all right?

In general, the effectiveness of an election endorsement depends on a number of factors, not the least of them the extent to which the group engages in other forms of electoral behavior. The problem here, however, was not to determine directly the effectiveness of UAW endorsements, but instead to ascertain the degree of sentiment in favor of making a specific endorsement. Table II indicates the responses.

TABLE II. ATTITUDES TOWARD LABOR AND BUSINESS POLITICAL ACTION IN THE CAMPAIGN

Was it all right for unions to work for Stevenson?	Stevenson Voters	Eisenhower Voters	Did not vote; no answer	Total Sample
All right	76%	50%	62%	67%
Not all right	20	44	24	26
Can't say; no answer; other	4	6	14	7
	100%	100%	100%	100%
Was it all right for business groups to work for Eisenhower?				
All right	56%	74%	55%	60%
Not all right	30	15	34	27
Can't say; no answer; other	14	11	11	13
	100%	100%	100%	100%

Union members' attitudes toward endorsements are an important index of union solidarity. For as David Truman correctly observes, "open support (of a candidate) will be dangerous, if not impossible, for a group whose following overlaps with several different party factional groups and personal cliques. An endorsement then invites cleavage and disunity in the group."[7] Apparently, in the case of the UAW, a majority (67 per cent) sanctioned the leadership's privilege of endorsing Stevenson's candidacy. In other words, UAW political endorsements have not so far resulted in any marked internal disunity.

Here, again, the relationship of a pro-union political attitude to a Stevenson vote is clear, though with some exceptions. A Stevenson voter was much more likely than an Eisenhower voter to look with favor on organized labor's endorsement of Stevenson. Likewise, an Eisenhower voter was more inclined to think it is all right for business groups to support Eisenhower. As to labor's endorsement, slightly more than three-fourths of the Stevenson voters as compared to one-half of the Eisenhower voters thought it was all right for labor to support Stevenson's candidacy.

A third question dealing with attitudes toward labor political activity needs to be raised in order to determine whether union members trust or distrust the voting recommendations of union leaders, and how these attitudes compare with attitudes of trust and distrust toward business groups and newspapers. The question was asked in the following manner:

(a) In election campaigns different groups work for one candidate or another. Are there any groups on this list (each respondent was handed a card with the following groups' names: business groups, church groups, labor groups, veterans' groups, daily newspapers, and fraternal organizations) that you particularly trust—that is, you'd be more likely to vote for candidates they recommend?

(b) Are there any groups on the list that you don't trust—that is, you'd be more likely to vote against candidates they recommend?

The responses are summarized in Table III.

TABLE III. GROUPS TRUSTED AND DISTRUSTED FOR THEIR VOTING RECOMMENDATIONS*

TRUST	Stevenson Voters	Eisenhower Voters	Did not vote; no answer	Total Sample
Labor groups	67%	12%	48%	49%
Business groups	4	6	7	5
Newspapers	12	26	17	16
DISTRUST				
Labor groups	7%	15%	14%	10%
Business groups	53	21	45	44
Newspapers	45	32	28	39

* The percentages do not total 100% because some respondents did not select any of the three groups.

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[7] Truman, *op. cit.*, p. 290.

The data on this question revealed that UAW members are more inclined to trust labor groups than any other, and more inclined to distrust business groups and newspapers than any other. Furthermore, the 49 per cent figure for those expressing trust in labor's voting recommendations takes on added significance when it is noted that each respondent was asked to list only those groups that he *particularly* trusted. Putting it another way, the interviewee was free to name none if he so chose, and since he was also asked to list the groups he distrusted, failure to indicate trust of a group cannot be interpreted to mean that the interviewee necessarily distrusted it.

Table III shows again the close interrelationship of a pro-union political position and a Stevenson vote. Sixty-seven per cent of the Stevenson voters, as compared with only 12 per cent of the Eisenhower voters, indicated that they trust labor. As for distrust, only 7 per cent of the Stvenson voters distrust labor, whereas 15 per cent of the Eisenhower voters distrust labor. When it comes to the trust *and* distrust of business groups and newspapers still another pattern emerges. First, only 4 per cent of the Stevenson voters trust business and only 12 per cent trust newspapers. This compares with the 53 per cent of the Stevenson voters indicating *distrust* of business groups' voting recommendations and 45 per cent expressing *distrust* of newspaper recommendations. And, as Table III indicates, Eisenhower voters were slightly more inclined to trust business and newspapers and less inclined to distrust the same two groups than Stevenson voters were. However, even among the Eisenhower voters, business and newspapers were more distrusted than trusted.

A further breakdown of the data reveals that 20 per cent of the total sample particularly trusted labor's recommendations and distrusted the recommendations of business groups and newspapers. An analysis of this part of the sample reveals the following: 87 per cent are Stevenson voters; none is an Eisenhower voter; and 13 per cent did not vote.

It seems reasonable to conclude here that the high degree of sentiment favoring more influence for labor, the majority approval of labor's endorsement of Stevenson, and the trust many union members have in the voting recommendations of labor groups point to an important deviation from the broad generalization that union members are oriented only in the economic sphere. Instead of preferring political passivity and believing that union leaders should stay within the confines of collective bargaining, UAW members in Detroit, on the whole, favor union political activity.

The analysis up to this point has been designed to reveal the general political orientation of the UAW membership. The salient fact emerging is that in 1956, as in 1952, most of the membership supported the UAW leadership's political program. But this finding turns us to another problem. Is there a hard political core within the UAW? Which type of member can the leadership rely on most, and which least? Are socio-economic variables significant for an understanding of the nature of membership loyalty?

III. TYPES OF UNION MEMBERS

To answer these questions the same pattern of analysis was followed that was used in the 1952 election study, *When Labor Votes*.[8] The method is to classify empirically those interviewed into four types, based on (a) the degree of pro-union political orientation and (b) the degree of political interest. Union members of each type are differentiated from those of other types by their responses to a battery of questions. Pro-union and non-union political attitudes were determined by the criteria already tabulated in the preceding section. The degree of interest in political activity was determined by such criteria as the extent to which the respondents participated in the campaign; their familiarity with the names of candidates for state office; the extent of their reading of newspaper and magazine articles about the campaign; and the frequency with which they watched or listened to television and radio programs concerned with candidates and issues. The following four classifications were used.

1. *Pro-Labor-Politicals.* Thirty per cent of the sample fell into this type. These members indicated not only that they trusted labor's voting recommendations, but also believed that it was all right for labor to endorse Stevenson's candidacy, and that labor should have more to say about government policies. They were politically active and well informed, and as expected, highly pro-Democratic. Ninety-four per cent of the Pro-Labor-Politicals classified themselves as Democrats or Independents with Democratic leanings.
2. *Pro-Labor-Apoliticals.* Twenty-two per cent of the sample fell into this type. Members in this category are exactly like the first type mentioned in terms of labor political orientation, but differ in being less interested and less well-informed in politics. They were also highly pro-Democratic; 97 per cent classified themselves as Democrats or Independents with Democratic leanings.
3. *Non-Labor-Politicals.* Members in this type constituted 15 per cent of the total sample, and were those least willing to support union participation in politics. This was true not so much because they took a negative view of specific forms of labor political participation (which could be explained by indifference to any form of political activity), but rather because most of them were politically active and alert. The overwhelming majority of Republicans found in the total sample fell into this type. Since the union was not supporting Republican candidates, these members preferred that it take no part in the campaign.
4. *Non-Labor-Apoliticals.* This group made up 34 per cent of the total sample and consisted of those who were either totally indifferent or were on principle against labor participation in politics. Not only did they express such sentiments about union political activity, but they also indicated that they were indifferent and not well-informed about politics generally. This group was largely pro-Democratic, but also included the second largest percentage of Republicans.

Comparatively, these findings are similar to those of the 1952 survey, as Tables IV indicates.[9] In making such percentage comparisons, however, it should be kept in mind that two different types of sampling procedure were employed. The key difference is in the distribution of political interest (46 per cent were apoliticals in 1952, as compared with 56 per cent in 1956) and not in the distribution of degree of labor political orientation. Perhaps there was a significant shift toward disenchantment in 1956, away from the crusading spirit of 1952.

The principal purpose of this section, however, is to test the hypothesis that

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[8] Kornhauser, *et al.*, *op. cit.*, pp. 201–202.

[9] *Ibid.* p. 203.

TABLE IV. UAW MEMBER TYPES, IN PERCENTAGES, 1956 AND 1952*

Type	1956 Survey	1952 Survey
Pro-Labor-Politicals	30%	33%
Pro-Labor-Apoliticals	22	22
Non-Labor-Politicals	15	21
Non-Labor-Apoliticals	34	24

* Percentages have been rounded off.

the UAW's strongest support comes from a group which includes members who are younger and relatively well educated, who are highly skilled, and who have relatively high incomes. Table V reveals the results of the breadkown.

Since each type was arrived at empirically—that is, the continua of political orientation and political interest were broken up arbitrarily—none of the types has any such distinctive set of characteristics as would be found in ideal types. Thus, similarities are to be expected. The typological approach is useful, however, in pointing out the dissimilarities among the four categories.

The data in Table V also support, in general, the findings of the 1952 survey.[10] The most important group to the leadership is that of the Pro-Labor-Politicals. These members constitute the hard core of the UAW from a political standpoint. It is especially significant that many of them were not those who grew up with the UAW and bear the scars of the union's battle for recognition. As was found in the 1952 survey, they include younger members who have comparatively high incomes and hourly rates, and are relatively well-educated. Since they are young, the UAW leadership might be able to build from them, if the trend persists, a highly cohesive political force. A question that arises from such data, however, and one not answered here, is at what point the loyalty of the most loyal members might diminish? What factors might cause the Pro-Labor-Politicals no longer to accept the partisan policies of the leadership? Such questions involve a consideration of the struggle for the loyalty of workers regarding issues and personalities lying beyond the plant gate and the typical collective bargaining contract. These should not be confused with the issue of "dual loyalty" which refers essentially to in-plant attitudes.

The Non-Labor-Politicals also include unionists who are highly educated, comparatively, and who have high incomes and hourly rates too. The Non-Labor-Politicals differ from the Pro-Labor-Politicals in several important respects, however. Besides being less working-class conscious, Non-Labor-Politicals are older, include fewer Negroes, and more Catholics. This latter finding on the religious affiliation of members in this type is probably the sharpest deviation from the 1952 study results.

As expected, the unionists in the two apolitical types were older and less

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[10] Because the 1956 sample did not include any of the "new" suburbs of Detroit it has a higher proportion of Negroes (and hence Protestants) than the 1952 sample.

TABLE V. SOCIO-ECONOMIC CHARACTERISTICS OF TYPES OF UAW MEMBERS

	Pro-Labor-Politicals	Pro-Labor-Apoliticals	Non-Labor-Politicals	Non-Labor-Apoliticals	Total Sample
Race					
White	55%	63%	68%	56%	60%
Negro	45	37	32	44	40
Religion					
Catholic	31	44	50	36	38
Protestant	67	50	45	60	59
No answer or other	2	6	5	4	4
(*Whites only*)					
Catholic	55	59	67	57	
Protestant	40	27	27	39	
No answer or other	5	14	6	4	
Age					
Under 35	36	39	14	24	28
35–54	45	17	81	46	46
55 and over	19	44	5	30	26
Sex					
Male	95	87	95	88	95
Female	5	13	5	12	5
Education					
Under 8 years	26	45	35	48	39
8 years and over	74	55	65	52	61
Income (Individual)					
Under $3000	24	28	14	14	12
3000–3999	10	18	23	18	17
4000–4999	24	12	9	44	25
5000–5999	19	15	14	10	13
Over 6000	17	15	36	8	25
No answer or refused	6	12	4	6	8
*Hourly rates**					
Below $1.80	5	7	4	9	4
1.80–1.99	7	14	9	11	9
2.00–2.19	37	38	41	40	38
2.20–2.99	41	38	32	38	39
3.00 or more	10	3	14	2	10
(*Whites only*)					
Below $1.80	—	12	—	7	
1.80–1.99	—	12	7	4	
2.00–2.19	43	29	47	32	
2.20–2.99	38	41	26	53	
3.00 or more	19	6	20	4	
Class Identification					
Middle	26	15	45	16	23
Working	70	82	51	78	72
Lower	2	3	4	—	2
Upper	2	—	—	6	3

* Hourly rates were used in place of job classifications because they indicate more precisely the degrees of skill.

educated. They also included more women proportionately, and more unionists in the lower income and hourly rates categories.

III. SUMMARY AND CONCLUSION

Returning to the broad problem of determining trends in the political behavior and sentiments of the UAW membership, it is noteworthy how closely the following 1956 findings parallel those of the 1952 survey:

1. A majority of UAW members in Detroit indicate they they (a) trust the voting recommendations of labor groups; (b) believe that labor should be accorded more influence in government; (c) think that it is permissible for labor to endorse candidates; and (d) are members of the Democratic party or Independents with Democratic leanings.
2. A minority of union members (15 per cent) are opposed to union participation in politics.
3. Approximately one third of the union membership is non-labor politically minded and generally politically indifferent, and thus susceptible to influence from a number of directions.
4. The most active supporters of labor in politics include a substantial number of members who are younger, who are better educated, and who have relatively higher incomes and hourly rates.
5. A statistically significant relation exists between approval of union political activity and a pro-Democratic political position, as evidenced by a Stevenson vote.

Thus, the UAW as an organization and a membership cannot be said to be oriented only in the economic sphere.

No claim is made in this study that its conceptual formulation encompasses all aspects of union members' attitudes toward union political activity. The findings are significant as they further substantiate most of the findings of the 1952 survey of the UAW membership. Taken together, these two studies indicate the need for further refinement of our hypotheses about union members' political attitudes.

THE ADMINISTRATIVE NOVEL*

ROWLAND EGGER
The University of Virginia

Dwight Waldo, Stephen Bailey, and I, among others who have from time to time expressed admiration for certain *litterateurs* as sources of wisdom and understanding of the art and science of public administration, will undoubtedly ponder at length a statement in W. Somerset Maugham's latest collection of imponderabilia, *Points of View*. Maugham says:

> Only the very ingenuous can suppose that a work of fiction can give us reliable information on the topics which it is important to us for the conduct of our lives to be apprised of. By the nature of his creative gifts the novelist is incompetent to deal with such matters; his not to reason why, but to feel, to imagine, and to invent. He is biased. The subjects the writer chooses, the characters he creates, and his attitude toward them are conditioned by his bias. What he writes is the expression of his personality and the manifestation of his instincts, his emotions, his intuitions, and his experience. He loads his dice, sometimes not knowing what he is up to, but sometimes knowing very well; and then he uses such skill as he has to prevent the reader from finding him out. Henry James insisted that the writer of fiction should dramatize. That is a telling, though perhaps not very lucid, way of saying that he must so arrange his facts as to capture and hold his reader's attention. This, as everyone knows, is what Henry James consistently did, but, of course, it is not the way a work of scientific or informative value is written. If readers are concerned with the pressing problems of the day, they will do well to read, as Chekhov advised them to do, not novels or short stories, but the works that specifically deal with them.[1]

Maugham, obviously an either-or man, is reviewed by Joseph Wood Krutch. My own already high admiration for Krutch as one of the great humanists of our time is reinforced by the opening sentence of his review: "It is commonly (and no doubt correctly) said that Somerset Maugham is not an 'important' writer."[2] Krutch goes on, however, to say that Maugham has two amiable characteristics: as a storyteller he is interesting, and as reader and critic he is interested. Krutch has the situation well in hand. At the same time, it is worth noting that the high regard for the administrative novel entertained by some professors of public administration is not altogether unanimously felt.

A good administrative novel, it seems to me, is first of all a good novel. And it is pretty hard to define a good novel. Henry James, in his notable critique of fiction, says "The only reason for the existence of a novel is that it does attempt to represent life."[3] Later, he writes "The only obligation to which in advance we may hold a novel, without incurring the accusation of being arbitrary, is that it be interesting."[4] In another place in the same work he insists that "We must grant the artist his subject, his idea, his *donnée:* our criticism is applied only to what he makes of it. . . . If we pretend to respect the artist at all, we must allow him his freedom of choice, in the face, in particular cases, of innumerable presumptions that the choice does not fructify. Art derives a considerable part of its beneficial exercise from flying in the face of presumptions."[5] In his "Gustave Flaubert" he points out that "However incumbent it may be on most of us to do our duty, there is, in spite of a thousand narrow dogmatisms, nothing in the world that one is under the least obligation to like—not even (one braces oneself to risk the declaration) a particular kind of writing."[6] In still another place he reminds us that "the historian [read student of public administration] essentially wants more documents than he can really use; the dramatist [read novelist] only wants more liberties than he can really take."[7]

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* From a paper read at the annual conference of the American Society for Public Administration in Washington, D. C., April 4, 1959.

[1] W. Somerset Maugham, *Points of View* (Doubleday, 1959), quoted in *Saturday Review* (April 25, 1959), p. 13.

[2] "In Human Bondage to Books," *ibid.*

[3] "The Art of Fiction," in *Partial Portraits* (Macmillan, 1905), p. 378.

[4] *Ibid.*, p. 384.

Other commentators on the art of the novel put their critiques together in different ways, but they do not come out very far apart. I think we can settle for a definition of a good novel that includes such prime requisites as that: (1) it represent life; (2) it be interesting; (3) it make effective use of the author's *donnée;* (4) it take no more liberties with the subject matter than is essential to the achievement of its artistic objectives. I do not think it important that the novel accept any of the extant interpretations of the administrative process, that it embrace any of the prevailing dogmas of administrative organization and method, or even that it propound an administrative morphology soothing to the American Society for Public Administration.

A second characteristic of a good administrative novel is that it be an administrative novel—that it represent life within the context of administrative situations. It is even more difficult to arrive at a satisfactory definition of an administrative novel than of a good novel. In a general way, we may say that although in respect of the liberty of the author we must follow his characters wherever they may go, the line between an administrative novel and another kind of novel may be drawn at the point where the political, economic, sociological or romantic element forces the administrative element into the background. The story of the love-life of an administrator does not make an administrative novel, even if the administrator happens to be the director of the budget or the chairman of the civil service commission—unless, that is, he is the budget director or civil service commissioner of a Red Chinese commune, in which case I am told even his love-life is administered, and is therefore the appropriate concern of an administrative novel. John Dos Passos's *Number One*[8] is a good novel about an important administrative figure, but it is not an administrative novel. Nor are Adrian Lock Langley's *A Lion in the Streets*[9] or Robert Penn Warren's *All the King's Men*,[10] dealing with the same figure, administrative novels. Jack London's *The Iron Heel*[11] has many interesting passages devoted to judicial and penal administration but it is a sociological, not an administrative, novel. Upton Sinclair's *Oil*[12] has a great deal to do with cabinet and sub-cabinet officers, but it is an economic, not an administrative, novel. *The Last Hurrah*[13] is not an administrative novel, although the leading figure had a great deal to do at one time and another with state and local administration.

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[5] *Ibid.*, pp. 394–395.

[6] *Essays in London and Elsewhere* (Harper, 1893), p. 149.

[7] "Preface to 'The Aspern Papers,' " quoted in *The Art of the Novel* (Scribners, 1950), pp. 161–162.

[8] (Houghton Mifflin, 1943).

[9] (McGraw-Hill, 1945).

One of the best formulas for the definition of a good administrative novel, if indeed it is not in fact a definition, is found in a little volume called *Perspectives on Administration*, by Dwight Waldo. He writes:

> If we took the familiar categories of the professional writings, what could we find of a literary nature to illustrate and enlighten these categories? The reply is that on more recent and technical subjects we could find nothing—or nothing direct and obvious. It would be silly to turn to novelists for an explanation of program budgeting, but on the other hand all the old and persistent themes of organization and management are there—and not hard to find: leadership, red-tape, headquarters-field relationships, communication, hierarchy, all of the POSDCORB rubrics, and many more. A good administrative novel will touch upon at least half of the topic headings of a general textbook, and will deal at some length with several.[14]

Without committing ourselves to Waldo's ratios, it is worth noting that the sense of authenticity conveyed by an administrative novel is in some manner related to the complexity of the administrative problems with which it concerns itself. Paul Appleby has pointed out in his *Big Democracy* that "Trigonometry is no less practical and precise than artithmetic. It comprehends arithmetic, but is a way of relating and simplifying the handling of relationships between various arithmetical calculations.[15] In much the same way, an administrative novel which is able to go beyond the simple arithmetic of administrative relationships, to a manipulation of events comparable to that of trigonometry or the calculus, produces a conviction of reflected reality that stories of simpler dimensions rarely achieve. There are exceptions. The sheer virtuosity of *A Bell for Adano*[16] carries John Hersey's monochromatic portrayal of the relations between Major Joppolo and the people of Adano to heights of artistry seldom reached in novels of any sort, and almost never in administrative novels. But George Stewart's *Fire*,[17] which rings the changes on practically all the textbook rubrics, is a more satisfying story about administration, precisely because of the complexity of the inter-relationships which it encompasses.

Thirdly, a good administrative novel should contribute to our understanding of administration. It may do this in many ways. Dwight Waldo's categories are certainly as good as any I could formulate, and have the advantage of being superlatively written and illustrated in *Perspectives on Administration.*[18] He tells us first that through literary treatments of administration one can come to understand what he knows. There is a difference, he says, between an intellectual perception and an emotional comprehension, and both the abstractions of the treatises and the concrete facts of administration gain vitality, become infused with more meaning, through perusals of good literary treatments of the same subject. Secondly, "from literature we can learn what we could not possibly learn about administration otherwise . . . the life experiences of a single individual are necessarily highly limited in terms of all possible experience, but . . . through literature the life experiences of many are given to us." Third, "we can, through literature, view administration and administrators as others view them. As professional students or practicing administrators we stand always in danger of missing this dimension through our view from the 'inside,' our professional commitment, and simple familiarity. To fail to account for the 'outsider's' natural ignorance or hostility toward administration is to fail to account for what is often serious and sometimes crucial in both theory and practice." Fourth, "one can get from literature a desirable emotional release—a catharsis." Fifth, Waldo suggests, "we can get from literature a desirable professional humility . . . from literary treatments of administration we can gain a wholesome sense of the limits of what we know." Sixth, "we can get from literature a coming to grips with decision-making in its psychological and moral aspects." Seventh, " we can get from good literary treatments of administration a wisdom it is impossible to get from the professional writings. In the good treatments, there is a facing up to total situations and final questions that is avoided when the frame of reference is 'efficiency,' 'behavior,' or 'science.' This is not to assert that 'literary' people as a group have more insight and wisdom than do professional students of administration and practicing administrators in their roles as complete human beings. . . . But at their best literary writers seem to me to have great insight—Wisdom. Moreover, they have what professional students and administrators are unlikely to have, namely, literary skill—an ability to communicate whole-life situations, to present questions of a fundamental nature in cogent and stirring form."

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[10] (Harcourt, Brace, 1946).
[11] (Macmillan, 1908).
[12] (Boni, 1927).
[13] Edwin O'Conner (Little Brown, 1956).
[14] (University of Alabama Press, 1956), pp. 90–91.
[15] (Knopf, 1945), p. 43.
[16] (Knopf, 1944).
[17] (Random House, 1948).

One does not suppose, of course, that administrative novels will render the many 'standard' textbooks on public administration obsolete, nor appreciably affect the sales of such other 'representations of life' as are contained in, for example, the Stein casebook or the output of the Inter-University Case Program.[19] At best, administrative novels add another facet to the many-splendored image of the art and science of administration. The recognition of the novel as a worthy source of wisdom about administrative phenomena is, moreover, an important reassertion of the fact that administration was, is, and will always remain, in considerable degree an artistic performance. There are many other manifestations of humane knowledge which are the wellsprings of the art of administration, and from which public administration separates itself at its peril even while it seeks by every available means to reinforce the sturdiness of its scientific pediments. One of the important items on the agenda of studies in public administration is precisely that of relating and integrating the kinds of knowledge and understanding and wisdom that accrue to it from both its humanistic and scientific foundations.

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[18] *Supra*, n. 14. The quotations are at pp. 80–89.

[19] Harold Stein, *Public Administration and Policy Development: A Casebook* (Harcourt, Brace, 1952). The cases of the Inter-University Case Program are published by the University of Alabama Press.

Blaise Pascal, a Jansenist with Cartesian inclinations, made the point some three hundred years ago that organized knowledge tended to polarize itself around two points,[20] not the three of which we are accustomed to think as the humanities, the sciences, and the social sciences. Howard Mumford Jones has carried Pascal's point further to demonstrate that the focus, moreover, is a functional one, based upon the manner in which phenomena are considered rather than upon the nature of the phenomena themselves. In this construct, the focus of one kind of knowledge is mensurative while that of the other is historical.

> Both [says Jones] are the products of men. But in the one set of disciplines the search for objective truth is a search to reduce the human equation to zero, whereas in the other set of disciplines, which take time and history into account, though accuracy is essential, the purpose is, or seems to be, primarily to explicate the human situation. Neither kind of knowledge exists in pure form, each shares some of the attributes of the other, and both are socially and individually useful. Neither sort of learning is better than its rival, both make for human welfare, or ought so to do, and each has its characteristic abuses.[21]

One of the more egregious errors produced by the traditional division of knowledge along tripartite lines was the emphasis which it laid upon the differences between, rather than the common characteristics of, the disciplines. The sciences, it was said, dealt only with quantitative measurements. The humanities dealt with value judgments. The social sciences, it was thought, tried to deal with both, and, inferentially, succeeded in dealing adequately with neither. None of the assumptions is true. Nothing inherent in the body of so-called humane knowledge can be identified with values, or forms any specially useful bases for the formulation of value judgments. Even the notion of values is inconstant. In the humanistic learning we encounter artists who have overtly renounced not only traditional canons of beauty but the idea of beauty itself.

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[20] *Oeuvres de Blaise Pascal* (Paris, 1908), Vol. II, p. 130.

[21] *American Humanism: Its Meaning for World Survival* (Harpers, 1957), p. 76. The distinction drawn here is not dissimilar in kind to that argued most persuasively by Mr. David G. Smith in this REVIEW, Vol. LI, p. 735 *et seq.* (September, 1957). While the "nomothetic" sciences—following Windelband and Rickert—seem to correspond very closely to the notion of mensurative learning, it is doubtful whether the concept of the "ideographic" sciences can be stretched to include the humanities, although Mr. Smith does point out (p. 746) that "If well done, a political philosophy does have much in common with a thoughtful novel." So, one hopes might also a well-done administrative philosophy.

Writers have denounced not only accepted precepts of style, but the concept of style itself. Nor do humanists themselves derive the same values from humane studies. To be sure, the humanities may offer the opportunity for making value judgments, but the judgments are made on the basis of values brought to the humane learning; they are not derived from it. Moreover, the notion that the scientists deal only with quantitative measurement and objectively demonstrated fact has little more validity. "The knowledge of truth," Jones points out, "is a value judgment, the desirability of pursuing truth is another value judgment, and the desirability of an unbiased statement of truth is a third. But these are characteristic of scientific training, and it seems evident that the polarity of learning does *not* throw value judgments into the field of historical knowledge and deprive exact science of value judgments."[22] Concerning the social sciences I speak only with passing reference, since the assimilation and integration of historical and mensurative knowledge is the essence of that part of the discipline represented by the field of public administration. We have, much of the time perhaps, dealt inadequately with both, and at other times superlatively well.

We live in a mensurative age—indeed, the greatest mensurative age the world has ever experienced. The astounding advances of the physical sciences are advances of mensuration. The hitherto immeasurable is being measured, and the unquantifiable is being quantified. Professional students of public administration, as well as practicing administrators, must surely approve of these advances and welcome the extension of mensuration to administrative phenomena. Although I am sometimes confused by the models and confounded by the mathematics, I applaud the boldness and intelligence with which mensurative processes are being applied to data formerly cognizable only in impressionistic terms. I neither envy the quantifiers their foundation grants, nor begrudge them their space in the learned journals.

But there is another, and to me a somewhat more congenial learning. It is the understanding of man in history. This kind of learning is in the main, though by no means entirely, a function of time. This kind of knowledge largely derives from processes other than mensuration. It is warm. It is human. It is historical. Its objective is to enhance, to magnify and to give dignity to the human equation, not to reduce it to zero. Most of our knowledge of history is of this order, as is our knowledge of philosophy and theology. Much of our knowledge of society is of this essentially humanistic kind, whatever claims we may make of impersonality or timelessness for our learning about man in his relationships to other men. Knowledge of the arts, or knowledge gained through the arts, including the art of the administrative novel, is of this order.

But we are not talking about academic disciplines, nor the accidents of administrative fragmentation in the modern university. Medicine, engineering, social psychology, and many other fields of largely mensurative knowledge are just as closely connected with man in history as are philosophy, literature, music, or the graphic arts. The importance of the historical learning—the kind of knowledge that does not derive from mensuration—rests neither upon the phenomena which it observes nor upon the techniques of its observation, but upon its assumptions concerning the end and purpose of learning itself. The study of the classics does not make men wise. Indeed, I have somewhere suggested that more often than not in America, and sometimes in Oxford and Cambridge as well, those responsible for directing the study of the classics are themselves mere linguistic grease-monkeys who impart to the learning of Aristophanes and Aeschylus educational values somewhat less than those available in a good course in horse-shoeing.[23]

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[22] *Ibid.*, p. 81.

The significance of the humanistic approach to the problem of knowledge derives rather from the assumptions it makes about man.

> It implies [Jones has written] that every human being by the mere fact of his existence has dignity, that this dignity begins at birth, that the possession of this dignity, even if dimly realized by the possessor, is, or ought to be, the continuum of his life, and to strip him of this dignity is to degrade him in so outrageous a way that we call the degradation inhumane. . . . Modes of expressing the dignity of man constitute the substance of humanism. The pursuit of knowledge as an end in itself takes on dignity in proportion as its aim, avowed or implicit, is the dignity of man, and it ceases to be humanistic in proportion as its aim falls below the assumption that the dignity of man is the proper spur and aim of knowledge. . . . In the famous state paper that created the United States a set of propositions was laid down, each of which has been attacked but all of which, taken together, seem to give us the philosophical context in which humanism has its meaning. It is there made a self-evident truth that human beings have dignity; that is, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that among these rights are Life, Liberty, and the pursuit of Happiness. None of these terms can be so clearly defined that no exception can be taken to their definitions, but the totality of this vision is a totality of nobility, the assumptions of this paragraph are assumptions springing from a feeling for the dignity of man.[24]

Joseph Wood Krutch has summarized the case for the humane learning in these words:

> Without humane learning no man can remain what we now call Man. Either he will slowly become so extraverted and adjusted that he is actually no more than one of these figments of the imagination with which scientific politics and sociology deal, or his individual awareness of his truest and vividest inner life will alienate him from his fellow beings because he will have no communication with them in terms of that inner life, because he will meet no public acknowledgement of the fact that any other human beings live any such lives, or are, indeed, human at all. Politics unites the outward actions of men; 'the humanities' unites their thoughts and feelings. It draws them together in spirit. But this is by no means all. Indispensable as is the function which consists merely in revealing that an inner life is something not unique but shared; different as mankind would be had 'the humanities' never acknowledged its humanity; the great creators of the humane tradition did not stop with the performance of this function. Though they were deprived of measurement as a tool and of experiment as a method, they went on to investigate as well as to describe the phenomena with which they deal. They drew conclusions from observations that cannot be rigidly controlled and projected upon human

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[23] *The Public Service and University Education,* Joseph E. McLean, ed. (Princeton University Press, 1949), p. 222.

[24] *Supra,* n. 21, pp. 101–104.

> beings as a whole experience which they knew only from their own. Even the assumption that men other than themselves have any consciousness or desire can be made only by such a gratuitous projection. And though by such methods they have not 'proved' anything, they have carried conviction. As a result of such unscientific procedures as it can employ the humanistic enterprise has built up that store of ethical convictions, moral principles, and standards of values by which men live as surely as it has created an awareness of their intimate selves and the correspondence between one intimate self and another. The body of humanistic knowledge is neither wholly consistent with itself, much less is it demonstrably true in any objective sense. But it is, nevertheless, a body of imperfect knowledge indispensable to civilization.[25]

All this, of course, is no more than to say that understanding is where you find it, whether it flows from electronic calculators or administrative novels. The understanding of things leads to the understanding of men, and the understanding of men leads to the understanding of things. Neither sort of learning exists in a wholly disparate and unrelated form. If, since Heisenberg demonstrated that it is impossible simultaneously to determine the position and velocity of individual electrons, physicists have given over the deterministic notions of Laplace and prefer to talk about probabilities rather than certainties, it is no reason to abandon the idea of physical laws to which physical events customarily respond. And if our knowledge of human psychology has invalidated the notion of an economic man who invariably bought in the cheapest market and sold in the dearest, it is no reason for dropping entirely the study of the rediscount rate, or abandoning the regulative functions of the market to the hucksters and Madison Avenue. Mensurative knowledge and historical knowledge, in short, each share the attributes of the other, including their limitations. And within these limitations, the wisdom and understanding produced by each is equally valid.

[25] "Are the Humanities Worth Saving—II," *Saturday Review* (June 11, 1955), pp. 22–23.

FOREIGN AID AND SOCIAL REFORM IN POLITICAL DEVELOPMENT:

A PHILIPPINE CASE STUDY*

DAVID WURFEL
Cornell University

Writers on foreign aid policy today generally agree that technical and capital assistance from the United States government can contribute effectively to economic growth in underdeveloped areas.[1] There is much less agreement among them, however, on the ability of the foreign aid program to contribute positively to democratic processes of political and social change.[2] There is still less agreement on the proposal that the United States should, wherever necessary and possible, intentionally attempt to stimulate social change within the context of an aid program.[3] Nevertheless, some general considerations not heretofore presented in juxtaposition, and a case history to illustrate them, tend to support this proposal.

I. ECONOMIC DEVELOPMENT AND SOCIAL REFORM GO HAND IN HAND

The most comprehensive statement to date of the objectives of American foreign economic assistance programs is to be found in the Report of the Special Senate Committee to Study the Foreign Aid Program, published in 1957: "To encourage the evolution of free political and economic systems in other independent nations by assisting them . . . in their economic development."[4]

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[1] Two doctrinaire Liberal dissents from this view may be found in the *Yale Review:* Milton Friedman, "Foreign Economic Aid: Means and Objectives," Vol. 47 (June 1958), pp. 500–516, and Irving Kristol, "The Ideology of Economic Aid," Vol. 46 (June 1957), pp. 497–510.

[2] The most carefully argued dissent from this proposition is to be found in Zbigniew Brzezinski, "The Politics of Underdevelopment," *World Politics,* Vol. 9 (October 1956), pp. 55–75. He contends that economic development requires totalitarian regimes.

[3] This has been proposed, however by William O. Douglas in *Strange Lands and Friendly People* (New York, 1951); and by Max Millikan in "How Much Trade—How Much Aid?," Foreign Policy Association *Headline Series,* No. 121 (January–February 1957). Millikan says, "We can advise and help [underdeveloped countries to] reorganize their own social and economic institutions to make more productive economic activity possible." Hans Morgenthau in "The Frustrations of Foreign Aid," *New Republic,* Vol. 134 (March 26, 1956), pp. 13–15, says "It is quite possible that foreign aid, in order to be effective, requires a political change either in the composition of the government or in the over-all political structure. There must be a policy then on how to interfere with the political processes of the foreign country. . . ." Peggy and Pierre Streit in "Close-up of Foreign Aid Dilemma," *New York Times Magazine,* April 13, 1958, p. 103, have said, "A foreign aid program that recognizes the need for social and political development as well as economic development, that seeks to promote both hand in hand, is one of the few instruments the U. S. has to cope with some of the fundamental problems of . . . Middle Eastern countries." A similar view, phrased in more academic language, is to be found in Lucian W. Pye, *The Policy Implications of Social Change in Non-Western Societies,* Center for International Studies, M.I.T. (Cambridge, 1957), p. 69 ff.

This is a simplified summation of the conclusions of several studies made for the Committee on a contract basis. Of these, the most pertinent is the sophisticated analysis entitled *Objectives of U. S. Economic Assistance Programs* by the MIT Center for International Studies.[5] This study asserted that "a program of assistance can promote the evolution of societies that are stable in the sense that they are capable of rapid change without violence, effective in the sense that they can make progress in meeting the aspirations of all their citizens, and democratic in the sense that power is widely shared throughout the society."[6] The study admits that political and social change inevitably involves some turbulence, temporarily giving opportunities for expansion to nondemocratic political movements. It insists, nevertheless, that since change is already inevitably underway in most underdeveloped countries, and since the United States has at least a limited capability to steer it in constructive directions, the overwhelming American interest is to commit our full potential to the task of guiding change. The study makes no claim for certain success.

It would seem, however, that the failure awaiting an economic aid program that does *not* attempt to guide or assist social change is somewhat more certain. Free political institutions can develop only if emerging social groups can achieve, or have expectations of achieving, power and status roughly proportionate to their rising aspirations. If economic expansion takes place for an extended period without a corresponding adjustment of social and political institutions, this merely prepares the ground for violent upheaval. For example, a program which overemphasizes increasing agricultural production may serve to concentrate material benefits in a small group of landlords while merely widening the gap in economic status between this group and a nascent urban middle class, as well as between landlord and tenant. Add to this emphasis on agricultural production support for a public health service which reduces the death rate without lowering the birth rate, when population increase is already outdistancing production increase, and one has the necessary ingredients for an explosion. Yet in these categories are to be found some of the choicest showpieces of U. S. foreign aid.

In the last two or three years support for medium industry seems to have gained an increasingly important place in economic assistance programs. The needs of a middle class growing faster than its economic base are thus, in part, being met. But even balanced *economic* development may not be able to forestall abrupt extra-legal transfers of power if traditional institutions are particularly inflexible. Stable evolution may necessitate outside help in breaking up institutional rigidities. For instance, even if the urban middle class is able to improve its economic status, its political power may not increase as rapidly as its political aspirations. Power cannot peacefully be wrested from the landed elite as long as the vast majority of the population is rural and the traditional hierarchies of rural leadership are maintained. Yet either economic interest or nationalistic fervor, or a subtle combination of both, often creates a middle class appetite for power even though legal channels for achieving it may not exist. The outcome of this or similar circumstances is evident in the *coups* of Egypt, Iraq and Pakistan. Despite the extraordinary factor of a progressive monarch, this analysis also calls attention to danger signals in Iran.[7]

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[4] U. S. Senate, *Foreign Aid, Report of the Special Committee to Study the Foreign Aid Program*, 85th Cong., 1st Sess., S. Rept. No. 300, May 13, 1957.

[5] Prepared at the request of the Special Committee to Study the Foreign Aid Program, Senate, 85th Cong., 1st Sess., Committee Print.

[6] *Ibid.*, p. 20.

In order to consolidate their power, leaders of successful *coups d'etat* of this type usually launch an agrarian reform program. Such a program strikes at the power base of the landed elite, and establishes lines of leadership between urban middle class politicians and the rural areas which previously did not exist. However, if power can be consolidated through other means, *e.g.*, charismatic leadership encouraging and manipulating xenophobia, then agrarian reform may be forgotten before very much is accomplished. If that reform were encouraged by a foreign aid program, however, the possibilities of a peaceful establishment of a mass base could be revealed to impatient urban leaders. Furthermore, in the process they might have found in the United States an ally in their domestic political competition, thereby reducing the likelihood of anti-Americanism among their number.

American policy must also anticipate the time, not too distant, when peasant and labor groups become independent political forces, not simply pawns in rural-urban elite competition.

Those who recoil from the thought of the United States government "fomenting revolution" need to be reminded of what the real alternatives are. In a large part of the world we may not choose between revolution and status quo, but only between moderate and immoderate revolutions, resulting in governments at best friendly but neutral and at worst implacably hostile. The calf can no longer be led, but with experience we may learn to hang on to the cow's tail. We must be prepared for an occasional kick. If we are not to shy away from the "revolutionary" role of guiding social change then we must find workable techniques for fulfilling it.

II. A DEFINITION OF SOCIAL REFORM

Intentional, directed social change, involving alteration of the structure of economic and political power within a society before such change is forced by the inevitable pressures resulting from economic development, is, in broad terms, social reform. Thus, for example, mere legislative recognition of existing wage levels by the enactment of a minimum wage law which is at the actual minimum, or legal protection for rights already exercised by tenants in their relations with landlords, is not social reform. Defined more narrowly, and as used here, it is any governmental or governmentally encouraged action which is directed toward making more nearly equal the economic and political—and even educational, medical or cultural—opportunities for all individuals and groups in society. The desirability of social reform is based on the assumption that various groups have conflicting interests and that it is the proper function of government to set the bounds within which these conflicts can be mediated, and to mediate them. Guided by the democratic concept of widely shared power, government also needs to strengthen the position of the weaker groups. It is through an approximate balance of these interests that free institutions are created and maintained.

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[7] See Streit and Streit, *op. cit.*

The economic aspect of social reform is here paramount. Some types of non-economic social legislation are luxuries which highly developed economies can afford, but underdeveloped ones cannot. Steps toward equalization of economic opportunity may either be direct, *e.g.*, redistribution of wealth through a high statutory minimum wage or progressive income tax, or indirect, *e.g.*, facilitating a shift in the social power structure through encouraging the creation of labor unions or farmers' cooperatives, whose activities will have a redistributive effect. The "indirect" reinforces the "direct" by creating social forces demanding the enforcement of direct social legislation. The "indirect," moreover, has a more immediate effect on politics than the "direct." Both are reinforced by the progress of economic development, and in turn reinforce it to some extent.

All social reform measures do not, however, contribute to that wellspring of economic development, capital formation. The break-up of large landholdings, for example, may substantially assist capital formation and mobilization of existing capital, if the size of the actual farm unit is not reduced and if the method of payment is properly arranged. Measures raising wages to artificial heights may, on the other hand, slow capital formation. But the value of some social reform measures comes as much from their psychological impact as from their economic contribution. They can give the tenant or the worker a sense of being a subject of the government's concern, or of participating more fully in the economic and political life of the nation. The ability of under-privileged or under-represented groups to see a future solution of their problems or growth of their strength may, in certain circumstances, be as important to free political development as quantitative economic benefits.

III. OBJECTIONS TO SOCIAL REFORM

Four types of objections to United States stimulation of social reform have generally been advanced. The first is one of impropriety and is based partly on the misconception that American social reformers overseas would necessarily proclaim their ultimate goals openly.[8] A number of commentators on foreign aid policy display an inordinate fear of the charge of "intervention." They consider American attempts to assist social reform in conjunction with foreign aid to be improper interference in the internal affairs of a friendly sovereign state, likely to result in accusations against the United States. But "any aid neces-

[8] As we shall see, however, in certain situations this might be good tactics.

sarily affects the internal affairs" of the recipient country.[9] A doctrine of pure non-intervention for our aid policy would mean no aid. To intervene is often simply a question of supporting one of the competing factions within the government or the extra-governmental political structure of the recipient country, and may be "as much desired by the [one] as it is resisted by the others."[10] To intervene without social reform is merely to strengthen the ruling elite within the existing pattern of inequality.

Nevertheless, it must be admitted that in some countries the intensity of nationalism may, in fact, make impossible the degree of intervention required to push for social reform. Fortunately, however, in most of those countries where there is greatest sensitivity to intervention, *e.g.*, Burma and India, the ruling elites are already attempting to implement many of the same reforms which U.S. aid officials might consider necessary. This not only obviates the need for U.S. intervention, but contributes to the impotence of any attempted pressure for reform by reducing the conflict of interest between mass and ruling élite.

The second objection appropriately points out that those societies most in need of reform have political elites most opposed to it. Even if American pressure should succeed in pushing through reform legislation, therefore, insofar as the elite retained control over the bureaucracy the legislation would not be enforced. This is an objection of ineffectiveness. However, if "indirect" reforms, which engender less opposition and are to some extent self-executing, were enacted at the same time, they would, as has been pointed out, contribute to the enforcement of direct reforms. Furthermore, any well-conceived economic development plan should include related programs—such as settlement of public lands—that would generate supporting economic pressures for compliance with any reform legislation, such as statutory rent reduction.[11]

The third and most serious argument against support for social reform within the foreign aid program is that it might actually be harmful to the achievement of the economic objectives of the aid. This criticism rests on the "major premise . . . that the returns derived by the United States from economic aid depend largely on the economic effects of such aid."[12] If social reform which seriously slowed capital formation were successfully instituted, a development program could indeed be handicapped. However, no conclusive evidence has yet been presented to prove that such a reform has actually been adopted with U. S.

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[9] Research Center in Economic Development and Cultural Change, University of Chicago, *The Role of Foriegn Aid in the Development of Other Countries*, prepared at the request of the Special Committee to Study the Foriegn Aid Program (1957), p. 76.

[10] Thomas Schelling, "American Foreign Assistance," *World Politics*, Vol. 7 (July 1955), p. 623.

[11] See Charles Wolf, Jr., "Economic Development and Reform in South and Southeast Asia," *Far Eastern Quarterly*, Vol. 12 (November 1952), p. 40. Dr. Wolf has called such related programs "competing incentives."

[12] See Charles Wolf, Jr., "Soviet Economic Aid in Southeast Asia," *World Politics*, Vol. 10 (October 1957), pp. 91–101. See also Willard L. Thorp, "Strings on Economic Aid," *Yale Review*, Vol. 44 (Winter 1955), p. 207.

backing. The example most often cited, the Philippine minimum wage law, has been caught amidst conflicting arguments. A graver handicap would result if the dominant faction in a recipient government should flatly refuse to undertake reforms deemed essential by our aid administrators; negotiations on economic aid projects might then be delayed, or deliveries of aid goods even halted.

Objections to a policy which could result in such an eventuality fall in a fourth category. They are political as well as economic, and are based on a different premise, *i.e.*, that the purpose of aid is to strengthen existing friendly governments.[13] But it would seem that American interests are best served by a primary concern for the long-term socio-economic progress of the country aided, with much less regard for political or military alliances than is currently given. Long range interests and the maintenance of a continous flow of aid goods may not always be coincident. Administrative fear of the immediate adverse consequences of withholding aid, based on the "maintaining friendly government" premise, limits the effectiveness of aid as leverage for social reform in some countries. Refusal to withhold aid does indeed tend to prolong the tenure of the government in power, but it is doubtful whether in the long run we are best advised to bolster up a government resistant to reform. The short-sightedness of emphasis on "maintenance of friendly governments" is readily apparent in Iraq and Cuba. If the United States finds it impossible to assist a particular government in the reform of outmoded social and economic institutions, and a violent upheaval against that government appears inevitable, International Cooperation Administration (ICA) officials might find it most advantageous to withdraw until the change of government had taken place. Americans would then be in a position to return and work more effectively with the new government. United States assistance for social change might involve the sacrifice of a few shaky, but "friendly," governments; however, it could help to discourage the rise of implacably hostile ones.

Admittedly, many of those involved in deciding upon American foreign grants and loans do not accept this long range goal as paramount. But if it is accepted, none of these objections appear to outweigh the necessity, in some instances, of attempting to combine intentional, directed social change with economic development planning, both to remove institutional roadblocks from the path of economic progress and to assist more directly the evolution of democratic political systems.

IV. TECHNIQUES OF REFORM THROUGH ECONOMIC AID

A foreign aid program may stimulate social reform by several methods. The most forceful, and most likely to cause adverse political repercussions, is by public written agreement between the donor and recipient governments, setting forth reforms to be adopted by the latter as *quid pro quo* for aid. This technique has most frequently been used to attach conditions to grants of aid neither relevant to aid administration nor to the success of economic or democratic political development, *e.g.*, restrictions on the foreign trade of the recipient, or military commitments, and thus is unpopular among commentators on foreign aid policy.[14] It cannot be used, of course, even for more valid purposes when nationalism and xenophobia are at a high pitch.

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[13] Despite Secretary Dulles' testimony to the contrary before a Congressional committee, *New York Times*, August 11, 1957.

A second method is by written agreement on the terms of individual projects, for instance an American-financed road construction project which requires that land adjacent to the new roads be subdivided in small lots to be sold to cultivators, in order to prevent well connected speculators from profiting. Though the United States has the right to stop the allocation of funds to projects on which the terms have been violated, this right is almost never exercised. Nevertheless, the project agreement provides a basis for continued negotiations and a justification for American prodding.

A third method is to provide American technicians to advise in the drafting of social reform legislation, or in the formulation of administrative policy to such an end. The technical assistant is most effective when he can press for reform within the framework of a general agreement—the first method—and when he has funds at his disposal for bargaining purposes, for instance, to finance temporarily a necessary, but budgetarily unpopular, agency, as was done in the case of the Agricultural Tenancy Commission in the Philippines. He too would find his effectiveness limited by extreme nationalism. With that handicap his success would depend on his ability to stay behind the scenes.

A fourth, and more universally acceptable, method is through planning and financing projects which implicitly and inevitably result in the growth of new social forces and a relative weakening of the existing elite. The explicit objective of such a project, nevertheless, is simply economic development or administrative efficiency. An agricultural credit project which has the effect of breaking up a local moneylender's monopoly would fall in this category. Another would be the enactment of a tax structure based on ability to pay, and the improvement of collection procedures within such a structure. Such a revenue system, when contributing to a governmental budget that finances economic development and social services, has a redistributive function. In a predominantly agrarian economy assistance to industrial development, either private or public, aids the growth of a currently weak entrepreneurial and managerial class. This is an indirect stimulation of agrarian reform, besides constituting social reform in its own right.

There are, of course, numerous variations and combinations of these techniques. All have been used to stimulate social reform in the Philippines. In fact, the Philippines is the only Asian country in which American administrators clearly accepted the desirability of attaching the strings of social reform to United States grants. Harlan Cleveland has said of such assistance to the Philippines, "When the stake is the survival of freedom, this kind of institution-building task is the centerpiece of an aid program."[15]

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[14] See Thorp, *loc. cit.*

[15] "Foreign Aid and the 'Spirit we are of'" *Reporter*, June 28, 1956.

V. THE PHILIPPINE PROGRAM

The Bell Report. 1950 was a year of crisis for the Philippines, for the United States, and for all Asia. In the Philippines the war-born and Communist-led *Hukbalahap,* feeding on agrarian unrest and general dissatisfaction with the government, changed its name to "People's Liberation Army" and urged the overthrow of the government. Increased Huk military strength was manifest in the celebration of its eighth anniversary in March with daring raids on four important towns near Manila. Increased governmental military expenditures had expanded the national budget to such a point that the deficit was estimated as 34 per cent of the total. A shortage of cash in the treasury forced a halt to public works projects, and unemployment spread. Import controls enacted the previous year had slowed the drain on foreign exchange reserves, but had also caused a rise in prices, while wages had not quite recovered to pre-war levels.

In the atmosphere of quickened American interest in the Far East caused by the invasion of South Korea, spurred by the worsening Philippine situation, and in the knowledge that much of the post-war United States rehabilitation aid to the young Republic had been unwisely spent, President Truman sent an Economic Survey Mission to Manila in July after a request for assistance from President Quirino. The five-man mission, headed by former Under Secretary of the Treasury Daniel Bell and aided by eighteen specialists, undertook a comprehensive study of Philippine "economic difficulties" and of "development policies." In its report to Truman on October 12, 1950, the Mission recommended a drastic revision of fiscal policy to raise more revenue more equitably and to discourage the drain on foreign exchange reserves, as well as vigorous measures to increase agricultural and industrial production. It proposed that the United States extend grants and loans of $250 million over a five-year period to help carry out an economic development program. In addition to these economic proposals, the Report blazed new trails by recommending agrarian, labor and administrative reforms, by asking that American assistance, including counterpart funds, be subject to "continued supervision and control of [an American] Technical Mission," and by insisting that United States aid be "strictly conditioned on steps being taken by the Philippine Government to carry out the [Report's] recommendations." These important proposals were tactfully but strongly worded. Events after the Mission's return to Washington reinforced their urgency. The Huks staged even more daring raids in late August. By the end of September the Philippine National Bank had stopped accepting treasury warrants, including those for the salaries of school teachers, which were already some ₱56 million in arrears.[16]

Though we may now view those recommendations as having been necessary, they were at the time controversial. In fact, controversy began even before they were released. In response to pre-release speculation by *U. S. News and World*

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[16] Shirley Jenkins, *American Economic Policy towards the Philippines* (Stanford, 1954), p. 137.

Report that the Report told a story of "bankruptcy, inefficiency, corruption and threatened communism," a press release from Malacañang Palace—the Philippine White House—called Filipinos "mere pikers" in the matter of graft and corruption "compared to their more accomplished and eminently successful mentors," the Americans.[17] The Manila press was critical of this blast; Washington was shocked.

To forestall further misunderstanding on the basis of fragmentary leaks, the full text of the Bell Report was released on October 28; the five-page summary and recommendations were published in all Manila newspapers. President Quirino told the press that he was "gratified to . . . find that it is a highly constructive statement of conditions prevailing in the Philippines. . . . Whatever criticisms the report contains, I know they were made in the best faith and with a desire to be helpful to us." In the first wave of comment on the Report, labor leaders, businessmen, and Congressmen, especially those in the minority Nacionalista Party, generally praised it as "constructive" and "realistic." The ruling Liberal Party, however, was critical of the provision for continued "U. S. supervision and control." Quirino and party president Eugenio Perez were persuaded to accept it only after the arrival of William Foster, E.C.A. administrator, who interpreted the phrase to mean an "equal partnership" between the United States and the Philippines.[18]

The Quirino-Foster Agreement. An agreement signed by Foster and President Quirino in Baguio on November 14 not only spelled out the nature of this partnership, but confirmed the intention of President Truman to ask Congress for $250 million in aid—in exchange for a Philippine expression of "determination . . . to bring about social and economic well-being in the Philippines . . . through total economic mobilization and the bold implementation of measures that will bring about a high degree of social justice." This "determination" was to be expressed by the Philippine Congress in three ways. On December 4th President Quirino called a special session to allow Congress to do so.

The first step toward compliance was a concurrent resolution of intent "to give preferential consideration" to the recommendations of the Bell Mission, adopted on February 2, 1951.

The second requirement of the Quirino-Foster Agreement was the enactment of new taxes "of an equitable measure" designed to balance the budget. American tax experts worked with the Secretary of Finance to draft the necessary legislation. Bills hiking excise, sales, individual income, estate, gift, residence and corporate income taxes, as well as a bill establishing a new foreign exchange tax, were introduced.[19] Congressional opposition was vociferous and bipartisan.

It was some time before Congressmen began to realize that the United States was insistent on implementation of the Quirino-Foster Agreement *before* the granting of further aid. The opinion that "the U. S. would give us help when we need it because her prestige is at stake here"[20] was widespread. But persistently blunt American officials reiterated on several occasions that new taxes were a prerequisite of aid, and President Quirino, the Secretary of Finance, and the Chairman of the House Foreign Affairs Committee, Diosdado Macapagal, in somewhat less direct language, confirmed this. By the end of the special session in mid-January, the two least controversial bills, raising excise taxes on cigarets and liquor, were enacted. But the more important bills continued to be caught in an executive-legislative deadlock until the end of March.

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[17] *Manila Chronicle,* October 26, 1950. Authorship of the release was traced to the President's private secretary, but Quirino disclaimed any responsibility.

[18] *Manila Chronicle,* November 9, 1950.

[19] *Manila Chronicle,* December 3, 1950.

A break in the impasse came only when President Quirino was ready to make a concession to Congress. The Philippine election law provided that a voter by writing in the party's name could vote for all the party's candidates at once, a procedure called block voting. Long standing minority demands for the abolition of block voting had by 1951 found powerful supporters in the Liberal Party as well, especially among some Liberal senators. The provision was of primary importance for the senate race in which eight men are elected at large from the national constituency. It meant that nomination from a party clearly in the majority was tantamount to election, for the ease of writing one word instead of eight or more was, when strongly encouraged by party bosses, an irresistible convenience for the semi-literate rural voter. It also meant that it was utterly futile for anyone to run for national office as an independent, or on a third party ticket. Yet there were some Liberal senators, associated with Nacionalistas in an unstable parliamentary coalition called the Democratic Bloc, who wanted to run for reelection, but did not feel sure of majority party backing. They had introduced a bill to end block voting, simply by requiring voters to write in each candidate's name separately, but were faced with a loyal Liberal majority in the House and a threat of a presidential veto. Nevertheless, since the Democratic Bloc had a bare majority in the Senate, it could bottle up all administration legislation there, and did.[21] Finally President Quirino and House Speaker Perez agreed to support the abolition of block voting, and on March 28 the bill was signed. On the same day the high priority foreign-exchange tax and corporate income tax bills were also passed.[22]

The same kind of political horse-trading made under persistent American pressure also permitted the adoption of the third prerequisite for aid, a minimum wage law. This requirement was included in the Quirino-Foster Agreement primarily for its psychological effect. In making it a precondition of aid, the expectation was that mass Filipino support for American aid objectives could be gained. It was chosen as a reform so popular with the masses that the Philippine government could not afford, politically, to reject it. But the fact is that the Congress probably would have refused to pass it except for the desire to receive United States aid.[23]

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[20] Congress of the Philippines, *Congressional Record, House*, Dec. 21, 1950, p. 843.

[21] See James Dalton, "Ins and Outs in the Philippines," *Far Eastern Survey*, Vol. 21 (July 30, 1952), pp. 117–123.

[22] Increased personal income, estate, gift and residence taxes were still not passed, but the other new taxes were deemed sufficient by the administration to balance the budget.

The minimum wage, like the corporate income tax, fell heavily on the vociferous and well-organized sugar bloc, which used numerous, and temporarily effective, tactics to prevent the bill's passage. Minimum wage legislation, however, differs sufficiently from taxation—which is of direct benefit to no group—so that its opponents took a stance, one of indirect opposition and crippling amendments, very different from that of the opponents to new taxes. The desirability of some kind of minimum wage legislation was never assailed.[24]

A U. S. Department of Labor expert was sent to Manila to help with the drafting, but a draft minimum wage law had already been prepared in the Philippine Labor Department which required little change. The bill quickly passed the Senate almost without amendment. In the House Labor Committee, however, where the chairman was a sugar-bloc spokesman, it was stripped of some of its most important provisions. These were restored on the floor in mid-March, at a time when the bill's staunchest opponents were absent, but the conference committee report was not adopted until the first week in April. The same day that President Quirino signed the minimum wage law, Washington announced the release of the first $15 million of American aid.

The persistence of ECA officials, and especially of the special representative in Manila, Vincent Checchi, in witholding aid until certain essential prerequisites were met, had produced results. Few would have dared predict six months earlier than the Philippine Congress could pass in such short order two laws, such as the minimum wage and the increased corporate income tax, so burdensome on the major interests represented in that body. In sum, the leverage of proferred foreign aid had produced the legislative authorization for social change probably not possible otherwise. From April 1951 onward further changes desired by ECA had to be brought about through the programming process and the skill and persuasive powers of advisors.

In the period from 1951 through 1953 the United States was fortunate to have as its two top-ranking civil officials in the Philippines men with a keen concern for Philippine social as well as economic progress, and willing to use all the methods of diplomacy to help achieve it. Eisenhower's first appointment to the Embassy, the former Michigan Senator Homer Ferguson, was, on the other hand, noted neither for his exceptional diplomatic skills nor for his social concern. His counterpart in the Foreign Operations Administration mission, Col. Harry Brenn, was a former state senator from Idaho who got on well with Filipinos, but had a more limited conception of the role of an aid mission than his predecessor. He was cautious lest a program become controversial. Thus, while new projects were initiated and new pieces of legislation were pushed during the first period, there was a decline in innovation during the second. Part of this was explainable, of course, simply in terms of the length of tenure of the aid mission, *i.e.*, there was less scope for innovation in the fourth year than in the first. The difference in tactics might also be understood as an indication that the Magsaysay administration needed less prodding than its predecessor. But the difference in the social outlook of the key figures was also an important determinant.

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[23] See Rep. Ramon Durano in *Congressional Record, House,* March 16, 1951, p. 791.

[24] See Emiliano Morabe, *The Minimum Wage Law* (Manila, 1954), ch. I, "Legislative History."

After the legislative implementation of the Quirino-Foster Agreement had been completed, further legislation was needed in order to carry out other Bell Report recommendations. Assistance was also given to the Philippines for the effective administration of this legislation.

Internal Revenue Administration. No further tax legislation was thought necessary, but improvement in administration, especially income tax collection, was crucial. American assistance to the Bureau of Internal Revenue included the training of personnel in improved administrative techniques and the detail of United States advisors. This technical assistance seemed to have an initial, but not a permanent, impact on collections.[25] Income tax revenue increased 7.5 per cent from FY 1952 to FY 1953. But in the same period total revenue, which had increased 47.4 per cent the previous year, dropped 6.9 per cent. From FY 1953 to FY 1956 income tax revenue increased only 10 per cent; it dropped from 18.5 to 16.4 per cent of total revenue. A comparison of the trend of production with tax revenues in the five-year period after the Bell Report seems to indicate that tax administration was not an area in which American technical assistance had scored any lasting success. While the index of the physical volume of production rose from 72 to 108.6 between 1951 and 1956, internal tax revenue increased less than 4 per cent. Even though import duties were increased sharply in 1956, total government revenue in that year was a smaller percentage of national income than in 1951.[26]

Labor Reform. Labor legislation and administration was a more successful field of endeavor for our advice and assistance. American aid has tried to help make the minimum wage law administratively effective. From FY 1951 to FY 1956 the Wage Administration Service, recipient of this aid, undertook inspections in over 64,000 establishments having a total of more than 1,600,000 workers; about one-third of the employers were found to be in violation. The Service settled claims for unpaid wages from 56,500 employees in which employers paid out over ₱3,300,000.[27]

But enforcement of the Act is far from perfect. Only when workers are organized can they be fairly sure of receiving the minimum wage. Since most agricultural workers are not organized, they are the most likely to be discriminated against. In 1955—since the average daily wage for agricultural workers was reported to be ₱2.14—more than half were undoubtedly receiving below the legal minimum of ₱2.50. Nevertheless, this was a 25 per cent increase over 1950, if the figures are to be trusted, compared to an increase in average per capita income of less than 5 per cent.

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[25] In July 1952, for example, it was discovered that from 1945–50 over ₱51 million of delinquent income tax assessments had accumulated, or nearly 20 per cent of the total tax revenues for 1950. See Ray E. Davis, *Special Report on Income Tax Collection of the Bureau of Internal Revenue* (Manila, 1953), p. 19. Over ₱10 million of this was collected in the first six months of screening records.

[26] Central Bank of the Philippines, *Ninth Annual Report, 1957*.

[27] Wage Administration Service, *Annual Report for Calendar Year, 1955*, and *Report, FY 1956*.

Despite continuing widespread employer opposition, the minimum wage law has only been amended once, to exclude embroidery homeworkers from its coverage. In 1954 and 1955 the sugar bloc made a full-scale drive to reduce the statutory minimum by means of the establishment of provincial wage boards. Several bills were filed in Congress to this effect and the movement had the support of Secretary of Agriculture Araneta. A strong counter-attack in the press and within the cabinet by Secretary of Labor Adevoso prevented the move from getting beyond the talking stage. A temporary setback was, nevertheless, sustained when Congress adopted a rider to the annual public works appropriation bill allowing the hiring of public works laborers at the minimum agricultural rate of ₱2.50 per day. It became abundantly clear that all of Adevoso's horses and men could not initially have pushed the minimum wage law through Congress unaided, fresh evidence that the law probably exists today only because of an American demand in 1951.

Labor relations legislation, given second priority to the minimum wage by the Quirino-Foster Agreement, was passed in 1953 with the use of very little American leverage. This was possible partly because it benefited an existing organized interest group, the labor unions. Many labor unions before 1953 were chafing under the powers which the Secretary of Labor held over them. Labor leaders who aspired to independence from Labor Department controls and to security against employers' threats looked longingly on a draft law patterned after our Wagner Act. Employers, on the other hand, many of whom were adept at manipulating labor unions to their own ends, considered a draft which also included some provisions from the Taft-Hartley Act as a less direct threat to them than the minimum wage, with its immediate financial burdens.

The "Magna Carta of Labor," as the Industrial Peace Act is popularly known, was enacted into law on June 17, 1953. The Bell Report had recommended that "trade unions should be encouraged that would be free from Communist influence, domination by the government, interference by management, and racketeering by labor leaders."[28] A bill to implement this recommendation, drafted by lawyers in the Department of Labor with the assistance of American advisors, was introduced into the Senate in May 1952 and passed the same month. The House had earlier passed a bill of the same name, but of a very different character. The conference report agreed upon was close to the Senate version. In fact, it was so close, effectively promoting intra-union democracy, freeing unions from government control, and strengthening their bargaining position with management, that the report was bottled up in the House

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[28] Economic Survey Mission to the Philippines, *Report*, p. 96.

Labor Committee for a whole year. The Chairman of the committee, Representative Pascual Espinosa, aside from being a sugar-bloc spokesman, was himself connected with a "union" which was actually a profitable labor contracting business.[29] His union was a member of the federation backed by Secretary of Labor Figueras. Espinosa felt that enactment of the bill would mean the beginning of the end for such unions; his premonition proved correct. In the meantime, several independent labor leaders made repeated calls on senators and representatives, and on the Secretary of Labor, who did not want to see his existing power over unions reduced by new legislation. The persuasive powers of both Americans and Filipinos finally convinced Secretary Figueras in March that it would be to his political advantage—he was running for the Senate—to support this bill, which was obviously very popular among free union leaders. (Whatever support he received from labor was not sufficient, however, to elect him.) Figueras's switch moved Espinosa. After a new compromise conference report was drawn up, it was approved by both houses in May, 1953.

In the next three years the number of labor unions grew from 838 to approximately 2000. The numbers of strikes and of collective bargaining agreements filed with the Department of Labor grew also. Thanks to the liberating effect of the new law and vigorous espousal of free unionism by Magsaysay's Secretary of Labor, Eleuterio Adevoso, labor was started on the road to becoming an independent political and economic force.

To train union leaders in techniques of responsible, democratic trade unionism, the United States aid mission also supported the Labor Education Center of the University of the Philippines. This was the first American government-sponsored trade union leadership training program in Asia since the occupation of Japan.

Agrarian Reform.[30] Agrarian reform proposals in the Bell Report were tackled much more slowly than those on labor, mainly because landlords are both more numerous and more politically powerful than industrial employers in the Philippines. Furthermore, tenants, though outnumbering urban workers and possessing their own organizations, were for the most part excluded from peaceful political processes until 1954 because their most important means of organized expression, the Communist-led National Peasants Union, had been outlawed in 1948. Even in 1954 and after, when many new non-Communist tenant organizations began to be formed, they were relatively weak. Fear of Huk expansion, which was clearly based on agrarian unrest, had created some disposition toward agrarian reform among segments of the landed elite while the Huks were still powerful. After their military powers sharply diminished in 1953 and landlords' authority over their land was re-established, however, the willingness of large owners to accept basic change declined.

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[29] See Leon O. Ty, "Solution to the Guam Labor Mystery," *Philippines Free Press,* March 6, 1954, pp. 4, 53; "More Serious Than We Thought," *PFP,* March 13, 1954, pp. 4, 61; "An ₱18,000,000 Question," *PFP,* March 20, 1954, pp. 5, 65; "The President Takes a Hand," *PFP,* March 27, 1954, pp. 4, 65.

[30] 'Agrarian reform' refers here broadly to a transformation of the political and economic power structure in rural society. 'Land reform,' unless in full quotes, refers only to direct attempts to change the pattern of land ownership.

Curiously, the trend of official American thinking on agrarian reform followed roughly the same course, for different reasons. In 1951 and 1952 "land reform" was a major emphasis in United States foreign policy; special conferences were called, proposals were made in the United Nations, and top American officials in Manila considered it an urgent necessity. By 1955 this emphasis had been lost. The orientation of Philippine administrative leadership, as distinguished from that of the landed elite as a whole, changed in the opposite direction, however, with a strong drive for agrarian reform appearing only in the Magsaysay administration.[31]

Given the attitude of the Philippine government at the time, the American aid mission began work in that aspect of agrarian reform least likely to arouse opposition, extension of credit to small farmers, one type of indirect reform.[32] A report on rural credit problems was published in late 1951 by the mission's rural credit advisor, John Cooper, proposing credit distribution both through cooperatives and through an administrative agency. A draft bill to this effect was included. Though it received the backing of the Chairman of the Philippine Council on U. S. Aid (PHILCUSA), Jose Yulo, it brought opposition from the Central Bank which was in the process of proposing its own credit scheme, and thus was not given official PHILCUSA support.

At the same time, however, a progressive Filipino business man, member of a prominent land-owning family, proposed another bill on credit cooperatives, and was able to get it introduced in Congress with bipartisan sponsorship. When he came to the Mutual Security Agency seeking its financial support for his proposal, which was offered, he was persuaded to incorporate many provisions of the Cooper draft into his bill. The cooperatives bill was passed by Congress in its 1952 session, but vetoed by President Quirino on the ground that it duplicated the Rural Banks Act, which the President had just signed, and that the appropriation of ₱10 million was an impossible strain on government finances.

Though the rural banks loaned nearly ₱2 million for agricultural purposes—69 per cent of their total loans—in the first year of operations, 63.5 per cent of the value of these loans was secured by real estate mortgages or chattel mortgages on buildings and equipment. Such loans might help small landowners but were of little assistance to the tenant, the man most in need of credit.[33] Despite the establishment of rural banks, therefore, a cooperative credit system geared to the tenant's situation was still a great need. Quirino was persuaded to certify to the 1952 special session of Congress a slightly revised version of the cooperative credit bill he had vetoed. Instead of a direct appropriation there was an authorization for a ₱100 million revolving fund, which would get its resources from the floating of government bonds, Congressional appropriations, and MSA counterpart fund releases. In that form the bill was passed.[34]

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[31] See the author's "Philippine Agrarian Reform under Magsaysay," *Far Eastern Survey*, Vol. 27 (Jan.–Feb., 1958).

[32] Economic Survey Mission to the Philippines, *Report*, pp. 57, 59.

[33] Rural Banks Administration, *First Annual Report*, 1953, pp. 20–23.

In practice the Agricultural Credit and Cooperative Financing Administration which the act established has also received large loans from the Central Bank.[35] In the five-year period FY 1951–56 the United States aid mission gave it, in addition, $2.4 million in capital equipment and technical assistance, more than that received by any other Philippine government agency undertaking social reform. By the end of that period ACCFA had fostered the organization of 376 farmers' co-ops with 225,000 members and had loaned to them over ₱90 million.[36]

The U. S. also spent over a million dollars in FY 1951–56 on public land classification and subdivision and on land settlement projects, an important aspect of a total agrarian reform program in a country which still has over 12 per cent of its area in arable but uncultivated public land. There was no appreciable Filipino opposition to this program, and results began to be shown even before the end of the Quirino administration. Intensified activity in the Bureau of Lands under Magsaysay gave a further spurt to issuance of titles to public land applicants. Between 1950 and 1956 the annual rate of issuing public land patents rose nearly twelve times.

An improved law on tenancy relations, drafted with the assistance of American advisors, was passed in 1954, though considerably weakened in Congress. Since on its face it did not increase the tenants' legal share of the crop, the main advantage to the tenant came in its effective enforcement, a new departure in tenancy law administration in the Philippines.[37] This was possible because of energetic administrators—some of the best in the Magsaysay administration—and because of increasing pressures from burgeoning tenant organizations.

But the core of a basic agrarian reform program, land redistribution, was never effectively implemented in the first five years of the United States aid mission in the Philippines, and its present prospects are not bright. The first, and last, major step toward an American-stimulated land redistribution in the Philippines was *Philippine Land Tenure Reform*, released in 1952 and known as the Hardie Report. Robert S. Hardie, its author, had been in large part responsible for the success of the Japanese land reform under SCAP. He came to the Philippines with the same crusading spirit that had motivated his work in Japan, but with an inadequate understanding, perhaps, of the very different roles played by an aid mission to a sovereign state and by the "Supreme Command" of an occupying power in a defeated land. He set to work at once preparing a comprehensive description of the Philippine land tenure situation and a detailed, and strongly worded, recommendation for radical reform. A strong recommendation could have been, as in fact it has been on other occasions, a catalyst for action. But unnecessarily offensive language and a lack of respect for proper channels prevented serious consideration of the substance of this report.

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[34] Republic Act 821.

[35] During the first two fiscal years of operation, ACCFA received nearly ₱4 million from counterpart funds, more than from Philippine government sources. See United States Operations Mission, *The Philippine FOA Agricultural Program, 1954*, p. N2.

[36] ACCFA, *Progress Report on Cooperatives*, tabulated as of July 31, 1956. Also, *Cooperative Farmer*, Vol. 4 (Sept. 1956), p. 9.

[37] Over one-third of the first year's budget of the enforcing agency, the Agricultural Tenancy Commission, came from FOA counterpart funds. Since then it has received regular budget support.

Hardie proposed the abolition "in so far as possible of the institution of tenancy in the Philippines," *i.e.*, government purchase for resale to tenant cultivators of all farm land owned by absentee landlords and all land over four hectares owned by non-cultivating resident landlords. That portion of his blunt language which later appeared to have most offended Philippine officialdom was the paragraph:

> Continuation of this [land tenure] system fosters the growth of communism and harms the U. S. position. Unless corrected, it is easy to conceive of the situation worsening to a point where the U. S. would be forced to take direct, expensive, and arbitrary steps to insure against loss of the Philippines to the Communist block in Asia—and would still be faced with finding a solution to the underlying problem.

Long before its release the Hardie Report became a subject of heated debate within the aid mission. But Hardie would not agree to compromises in either language or substance proposed to him by both American and Filipino friends, many of whom were strongly in favor of land reform themselves. Moreover, he had the support of Ambassador, and retired Admiral, Raymond Spruance, who believed in the value of a strongly worded report to provide a "shock treatment" to Philippine officials. While the intra-American debate still raged, Ambassador Spruance "leaked" the report to the press late in December 1952, more than three months after a copy marked "not for release" had been delivered in Malacañang.

Officialdom was indeed shocked. Speaker Perez called the report "Communist inspired," and asked for an official protest to be made to the American government. The House Committee on Un-Filipino Activities issued a long statement explaining how the report achieved the aims of Communist propaganda. On January 7 President Quirino called Ambassador Spruance, MSA Chief Roland Renne, Hardie and several other U. S. officials to Malacañang and "read them the riot act." He complained bitterly that the reference to "intervention" was a violation of Philippine sovereignty. Quirino's language was so strong that some of those present feared that the Philippines would cut itself off from further American aid; Speaker Perez reported later that such a step was considered at the time. But 1953 was an election year. Since their benefits were rather widely felt, and since the Liberal Party had already claimed credit for them, the stopping of the many MSA projects might have meant political disaster.

The opposition Nacionalistas made capital out of the Hardie Report. In fact, Quirino admitted that he was not so disturbed about the substance of the report itself as he was about the use of material and language in it for political attacks on government policy. Nacionalista solons, who just a month before had been criticizing the MSA in a Congressional investigation of the slow implementation of the aid program, now in January mapped plans for an information campaign to keep alive the issues raised by the Report.[38]

Though many Liberal Congressmen supported Speaker Perez, some also saw possible political advantage in a bold land reform proposal in an election year. For example, Representative Allas, chairman of the House Ways and Means Committee, and member of PHILCUSA, proposed to the latter body the allocation of ₱30 million in counterpart funds to finance the implementation of the Hardie Report, which he called "one of the vital tasks of Congress in the current session."[39] But this motion met vigorous objections from Chairman Yulo, who said the Council could only implement reports which it had approved. The Hardie Report had never received PHILCUSA endorsement, or even official recognition. This revealed a damaging tactical error: in fact, Hardie made no serious attempt to obtain Yulo's endorsement.

By the time Magsaysay was inaugurated in 1954, top U.S. officials in Manila had changed too. Hardie was gone, and the chief of the Agricultural Division of ICA was soon to say: "Land transfer is not a necessary part of an agrarian reform program." There was no attempt in the aid mission to use Hardie's more extreme proposals as a bargaining position to effect a modified, but still radical, land reform program. When the Magsaysay administration itself introduced a land reform bill into Congress, it faced stiff opposition. The bill was finally passed only after being so watered down as to be little improvement over existing legislation. FOA, then ICA, officials passed up several opportunities either to encourage proponents or to exert pressure on opponents to bring about the passage of a strong bill.

Strengthening the Middle Class. The three aspects of social reform so far discussed have the effect, when successful, of narrowing the range of inequality in Philippine society. Progressive taxes fall most heavily on large incomes, while labor and agrarian reform improve the economic status of the poorest groups. A balanced reform effort must also strengthen the middle class. From this group the next generation of political leaders is likely to come. It is important that they be able to meet their aspirations.

The United States aid program in the Philippines has taken some steps toward providing greater opportunity for small and medium-sized entrepreneurs. With ICA assistance an Industrial Development Center was established in Manila in February 1955. In its first year of operation it extended grants in dollars and loans in pesos totaling nearly $32 million. Ninety manufacturers received an average of $335,000 each.[40] In addition to financial assistance the Center provides a unique management and engineering consultant service. The Philippine IDC has been sufficiently effective so that it is now being duplicated in Vietnam. Increasing opportunities for manufacturers producing for local consumption will have important long-term repercussions in a political arena dominated by export producers.

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[38] *Manila Times,* January 10, 1953.

[39] *Manila Times,* February 15, 1953.

[40] See IDC, *First Semi-Annual Report to the President,* October, 1955; *Second Semi-Annual Report . . . ,* May 1956. The average is very deceiving. In apparent violation of the purpose of the project, nearly 20 per cent of the total grants and loans went to one enterprise.

Effective public administration is also necessary to implement any reform program. Nearly 5% of the total U.S. economic assistance expenditures in the Phillipines from 1951 to 1956 was spent on public administration projects, almost all on improving the organizational structure of administration and the skills of administrators. Significant progress was made in several fields.

But there was less immediate success in creating greater economic security for the civil servant, an important segment of the middle class. The cost of living in 1956 was about 3½ times what it was in 1940. Though the minimum wage law in 1951 fixed ₱1440 as a minimum yearly salary, thus raising the income of the most poorly paid, many salaries in the middle and upper brackets had not been changed since before the war. Louis K. Kroeger and Associates, working under an MSA contract and in cooperation with the Wage and Position Classification Office of the Budget Bureau, drafted, after careful study, an entirely new classification system which raised salaries in some brackets and provided a rational framework for further increases. Though presented to Congress by the President in 1956, funds to implement this new classification system were not made available until FY 1958. Even then they were inadequate. Middle and top bracket civil servants are still denied the degree of financial security their position of responsibility demands.

Despite some measurable progress, an aid program which set out to "strengthen democratic institutions in the Philippines" still has much unfinished business. The Mission has failed to create an honest and efficient system of tax administration, to undertake basic land reform, or to establish a secure and economically independent civil serivce. None of this can be accomplished by Americans; these are jobs for Filipinos. However, they may not be done by Filipinos in the near future without strong and persistent American encouragement to those Filipinos who want to do these things and financial assistance to well-designed plans for accomplishing them.

VI. ASSESSING PHILIPPINE PROGRESS

Though unfinished business remains, Philippine democratic institutions were nevertheless visibly strengthened during the first five years of Bell Report implementation. The American aid program was, of course, only one of several factors affecting political progress. Some writers contend that economic factors are of overwhelming importance.[41] The economic condition most conducive to the growth of free political institutions is generally thought to be a steadily rising level of living. But it is not enough that it should rise; there should also be indications that it will continue to rise, and at a rate sufficiently rapid to make expectations roughly commensurate with aspirations.[42]

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[41] See above, p. 460.

[42] The most comprehensive analysis of the economic indices of aspirations and expectations and of the meaningfulness of their relationship for political developments is being

Filipino aspirations are high compared with those of their Asian neighbors. Large per capita expenditures on educational operations, a high level of literacy, and extensive contact by the populace with more advanced levels of living through the mass media serve to make them so. In fact, the elite has nearly American tastes. Actually, however, the Philippine level of living is more nearly comparable with that of the rest of Southeast Asia than with the American.

World War II wrought havoc on the Philippine economy even more destructive than elsewhere in the area. Though the years 1945 to 1949 witnessed much reconstruction, by 1950 the Philippines had not regained prewar levels in many spheres of economic activity. Thus rapid economic growth in the first three years after the Bell Report might be considered as only the end of the period of rehabilitation. Beginning in 1954 most economic indices having a direct political impact noted a slowing in the rate of growth,[43] even though the economically significant production index rose more rapidly. This is shown in Table I.

TABLE I—PHILIPPINE ECONOMIC INDICES: 1950–1956

	1950–53	1953–56
	% total increase for period	
1. Real wages of unskilled workers in Manila	23	5*
2. Real wages of skilled workers in Manila	1	3
3. Peso wages of agricultural workers	21.7	3.8†
4. Per capita cereals production	7	0
	% average annual rate of growth	
5. Employment index in manufacturing	3.7	2.7
6. Employment index in government	4.4	6.4
7. Employment index, all non-agricultural industries	2.7	3.2
8. Index of physical volume of production	9	11
	(millions of pesos)	
9. Paid-in capital of newly registered firms	₱183.6	₱143.8

* This is an economic indication of the partial success of social reform; the minimum wage law had a major impact in the first two years after its enactment. However, this index is compiled from firms in the Manila metropolitan area. The impact of the law on national wage rates was much less; outside Manila enforcement was more lax, especially in the earlier period.

† Prices were fairly stable.

Sources: #1 and #2—Central Bank of the Philippines, *Statistical Bulletin*, December 1956, p. 237; #3—Central Bank, *Annual Report, 1956*, pp. 71–72; #4—ECAFE, *Economic Survey of Asia and the Far East, 1954*, p. 184; *1956*, p. 179; #5, #6, #7—Central Bank, *Statistical Bulletin*, December 1956, p. 229; #8—*Ibid.*, p. 167; #9—*Ibid.*, p. 80.

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done by Charles Wolf, Jr. See his *Economic Development and Mutual Security: Some Problems of U. S. Foreign Assistance Programs in Southeast Asia*, RAND Corp., Research Memo 1778-RC (August 1956), esp. pp. 19–53.

[43] Benjamin Higgins, "Development Problems in the Philippines: A Comparison with Indonesia," *Far Eastern Survey*, Vol. 26 (November 1957), p. 165.

One might have expected from indices 1, 3, 4, 5 and 9, denoting a rapidly rising level of living, that optimism and progress would have been the keynote of the 1950–53 period, raising expectations if not also aspirations. From these indices one might also have expected a decline in expectations and increasing unrest from 1953 to 1956. (A more rapid rise in the production index—at a rate 3½ times that of population growth—than the increase in wages in the second period could mean an accentuation of a top-heavy distribution of wealth.) But if the political climate of the two periods can be characterized at all, it was just the reverse of what those economic indicators might have led one to expect. However, it should be remembered that the political effects of changes in economic conditions are frequently delayed, especially in the comparatively unorganized economies of Asia. Furthermore, indices 2, 6 and 7, showed a slight upturn in the second period.

One more economic criterion with great political significance also helps to explain the trend of economic indices 6 and 7, *i.e.*, government expenditures. From 1953 to 1956, while tax revenues grew 19 per cent, governmental capital and operating expenditures increased about 21 per cent, whereas in the 1950–53 period tax collections had grown faster than government outlays. The kind of government expenditure which is most obvious to the citizen, and thus has the most favorable impact on their expectation of future goods and services is public works—schools, hospitals, roads, bridges and irrigation systems. During the entire Quirino administration only about ₱300 million was released for public works construction, while in the first two years of the Magsaysay administration nearly ₱550 million was appropriated, most of it from bond issues. Though slightly less than half of this had actually been spent by the end of FY 1956, politically speaking it was a most rewarding outlay. It brought favorable consequences for the Nacionalista Party as early as 1955 when, for the first and only time since the war the party in power won a majority—and a substantial one, at that—in a free election. Strengthening the incumbent is, of course, not always synonymous with strengthening democratic institutions; in this case there may have been some correlation, however,

Public works, though important, were obviously not the only reason for the election victory of 1955. Magsaysay as a person had provided more dramatic leadership and the Magsaysay administration had provided more effective and responsible government than the Filipinos had had since the war. He had won an election without public works in 1953. In fact, the personality of Magsaysay is so significant in explaining Philippine political developments that it clearly reveals the inappropriateness of an attempt to find a purely economic rationale. He handsomely fulfilled traditional Filipino expectations of the fatherly leader concerned for the welfare of his people. Fortunately for the aims of the aid program, the traditional paternalism of his leadership was tempered by a respect for democratic processes, and rights of free association. His "fatherly concern" was expressed, in part, through espousal of social reform and support for its effective administration. Yet the very magnetism of his personality was enough to cause a partial breakdown in the traditional hierarchy of rural leadership and thus, from the middle class standpoint, to reduce the urgency of land redistribution.

The evident "strengthening of democratic institutions" in the Philippines from 1950 to 1956 was, therefore, not determined solely by economic factors, or by the nature of political leadership, or by American-assisted social reform. But in some situations the last mentioned factor may have been decisive. The suppression of the Communist-led agrarian rebellion is a case in point.

Governments put down armed rebellions by force, and the Huks' defeat is due largely to the reorganization and reinvigoration of the morale of the Philippine Army and Constabulary undertaken after Ramon Magsaysay became Secretary of National Defense. He was helped by gifts of equipment and by a training mission from the United States. However, a rebellion with mass support in the countryside can only be permanently defeated by the removal of the causes of mass unrest. In the Philippines one of these was agrarian injustice. Magsaysay saw this, and even before he became President in 1954, the Department of National Defense had established its own resettlement project for surrendered Huks on public land in Mindanao. This project received more than a half-million pesos of United States aid in 1953. Though the major fighting had ended by 1953, the Huks' hold on mass sympathies was broken only after the rapid expansion of cooperative credit and marketing, public land resettlement, and the tenure security program by the Magsaysay administration with American aid and advice. In this way Magsaysay built popular faith in the government and raised expectations for the future. The task of actually establishing a just pattern of agrarian relations had only begun, however. The marked lag in the tempo of reform since Magsaysay's death has dangerous implications, threatening future Philippine agrarian unrest.

In fact, it is not only the Garcia administration's failure to push through agrarian reform programs which now provides cause for serious concern. The vigorous efforts under Magsaysay to reduce graft and corruption, which had such a favorable impact on national morale, have now been replaced by a crescendo of "anomalies" which, with some justification, have been called worse than those under Quirino. With good reason, Garcia's situation is more difficult than Quirino's. Denied by public opinion and new administrative safeguards the use of violence which helped return the Liberal Party to power in 1949, and without Magsaysay's personal attractions, Garcia felt forced to wage the most expensive election campaign in Phillipine history. He is now paying for it in jobs and "deals." Though much of the corruption is not within his ken, he is in no position to discipline errant cohorts. His strength is based on the provincial party leaders who delivered the vote and are now collecting their debts. The economic consequence of two years of this irresponsibility is that some of the new consumer goods industries which were started under a fairly effective exchange control system are now having to close. Tax revenue and foreign exchange earnings are down; unemployment is up. Cash shortages in the treasury, as in 1950, are making it impossible to pay government employees promptly. The way in which power is achieved largely determines the way in which it is exercised.

This period of retrogression need not be looked upon as a failure of the American assistance program, however. In the first place, any judgment on the program's accomplishments at this point would be premature. Secondly, unrelated phenomena may be decisive, and finally it is possible to see factors that may contribute to a favorable resolution of the present crisis—some of which are partly the result of United States assistance—and that were not present in 1950.

Because all but two of the top leaders of the Philippine Communist Party have either been killed or captured and the Huks' armed strength nearly broken there is less urgency to the present crisis. (Insofar as this causes political leadership to be less willing to undertake basic reform, it is, of course, no advantage.) Even with a complete breakdown of national morale it would take the Huks two or three years to recover significant strength; given the shift in Communist tactics in Southeast Asia in the last few years it is doubtful whether a Huk resurgence would be armed. A military coup is also unlikely, partly because Nacionalista Party leaders are vigilantly aware of the danger and skilled at counteracting suspicious tendencies.

There is, therefore, time for Philippine political parties to work out a solution via the electoral process. The opposition is stronger today than it was in 1950, having polled a combined majority in 1957. Middle class elements, which formed the backbone of Magsaysay's support, have been strengthened in the last decade. That segment of the middle class engaged in manufacturing for local consumption is more than ever aware of the need for an honest and efficient Bureau of Customs and exchange control system, aware also of the discriminatory advantage for exporters when illegal foreign trade transactions can be arranged with impunity. Furthermore, as evidenced in the strong Progressive Party vote in Central Luzon in 1957, disgruntled farmers are both more willing and more able to file their protests at the polls than in 1949.

Perhaps the most important of all the new factors, however, is the imprint of Magsaysay on the Filipino political mentality. The election and administration of Magsaysay taught the Philippine electorate that it was possible to defeat an incumbent President in an honest election, and that government could be concerned for the people's needs. The Magsaysay era did not simply raise expectations, it gave many thousands a sense of participation in the governmental process that they had not known before. It provided political experience which should serve to make future mass organizations more effective.

Another new factor in 1959 politics may or may not prove to be helpful in the resolution of crisis; this is nationalism. Unless present outstanding disputes are allowed to linger, then fester, it will probably not be strong enough to affect the character of party alignments, or to prevent the manipulation of American assistance from again playing a constructive, *i.e.*, reforming, role.

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VII. TRANSFERABILITY OF EXPERIENCE

Does the Philippine experience hold any lessons of general applicability for United States foreign aid administration? Among those students of foreign aid who have admitted that American-assisted social reform has contributed to the Philippines' democratic growth, the Philippine experience has frequently been dismissed as unique, as incapable of being repeated elsewhere in Asia.[44] In many ways it is; for instance, in the long history of close and cordial relations between the two countries. The peaceful transfer of sovereignty by the United States has helped the Philippines to avoid the most virulent forms of nationalism, allowing Filipinos who appreciate some of the constructive goals of U. S. aid to acquiesce in considerable American intervention. So the nature of the rapport between the officials of the respective governments sets specific disagreements against a background of mutual trust and understanding, in most cases.

The almost total lack of a linguistic barrier to communications between Filipino and American officials cannot be duplicated in the Far East. Its absence has allowed Americans to make wider official and unofficial contacts with local residents than in other Asian countries, thus permitting a clearer understanding of the variety of political groups competing for power and giving ICA personnel greater flexibility in dealing with controversial questions. The sharing of certain elements of the same political and administrative tradition by Filipinos and Americans is also unique. However, Philippine and American cultural affinities should not be overestimated. Nor does the linguistic barrier in other countries have to be an insurmountable one. A revision of personnel rotation and training policies could reduce that barrier substantially.

Despite these unique elements, an analysis of Philippine developments can be helpful in understanding some of the principles involved in aid administration and their significance for programs in other underdeveloped countries, particularly in Asia, where social reform is urgently needed. In fact, some of the characteristics of the Philippine political and economic situation are also to be found in other Asian countries, *e.g.*, Vietnam and Korea. American policy makers may, indeed, have greater opportunity to "intervene" in order to direct social change than they have sometimes recognized.

First, the felt need for United States aid indicates that the Philippines is not unique in all respects. The intensity of need helps determine the degree of leverage that foreign aid may exert in the domestic politics of the recipient country. This need is generally created by at least three factors, first of which is the economic situation and its immediate political consequences at the time aid is originally proffered. Rapid economic and political deterioration were certainly the prospects for the Philippines in 1950 without United States aid. But this was even more strikingly true for South Vietnam on the inception of the post-Geneva Agreement aid program there, or in Korea at an earlier date.

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[44] Note, for instance, the implication in John Kerry King, *Southeast Asia in Perspective* (New York, 1956), p. 235.

After an aid program has been initiated, its size relative to the domestic economy, and especially to domestic revenues, largely determines the recipients' feeling of need. In the Philippines in FY 1952, the peak year, American aid amounted to slightly less than 11 per cent of all government revenue, and this percentage has declined since to less than seven. By contrast, in FY 1956 in South Korea, and in South Vietnam in 1955, our aid, not including military hardware, was more than double the total government revenue from all other sources.[45] Thus, in purely economic terms United States aid in these countries provides a far greater leverage for institutional change than it has ever had in the Philippines.

Furthermore, in these countries the opportunity for getting foreign aid from other sources is practically nil. This is the third determinant of felt need. Aid from the Soviet bloc is out of the question for political reasons, and in the case of Korea, Japanese aid—even Japanese trade—has been refused as well. In the Philippines, however, if the reparations agreement is fully implemented, it will play a much greater role in the Philippine economy during the next few years than American assistance, if the latter stays at current levels. In 1956 there was also serious talk of a trade agreement with West Germany which would have included substantial long-term credits.

Admittedly, however, the Philippines did not and does not now have one bargaining instrument against the leverage of American aid which South Korea and Taiwan possess, namely, the capability of threatening or undertaking independent military action, with all the uncertainties and risks that might entail. But this danger may be overrated, since it now appears that the location of our armed forces and our control over the flow of crucial supply items make its execution at least improbable, if not impossible. Nevertheless, the very contemplation of such a move disregards economic considerations and is, from the American point of view, irrational. It is thus extremely difficult to cope with.

In the second place, in assessing the practicality of attempting to foster social reform as part of a foreign aid program, Philippine experience has shown that we must consider the strength of the political and social forces to be aided by reform measures and, likewise, the strength of those to be hurt. The pattern of these strengths in the Philippines substantially influenced the outcome of reform efforts. The greater ease with which effective labor reforms could be enacted, compared to the difficulty with land reform, gives some indication of the importance of these considerations. Another illustration was the American-assisted land reform in Taiwan, possible only because refugees from the mainland, not Taiwanese landlords, dominated the political elite.

There are large labor and farmers' organizations in Korea, Taiwan, and Vietnam, which enjoy varing degrees of independence of governmental control, and which would probably welcome discreet American "intervention" on their behalf. Where a government itself is pushing social reform, as in Burma or India, it is difficult to imagine such groups modifying their nationalist orientation sufficiently to accept American aid or advice. But when labor and agrarian leadership see a clear-cut conflict between the interests of their respective groups and those of the dominant political elite, it is an empirical question whether the latter's manipulation of nationalist symbols will be able to counteract the former's desire for foreign assistance.

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[45] ECAFE, *Economic Survey of Asia and the Far East*, 1957, p. 33; and *The Mutual Security Program, FY 1956* (Washington, 1955).

The Philippine experience also calls attention to the fact that helping to build ostensibly economic institutions and support for particular social policies can have rapid and far-reaching political consequences, which tend to facilitate future reform. The democratic organization of agricultural credit and marketing cooperatives has begun to disrupt the traditional pattern of political leadership in many communities. Veteran politicians took this into account in 1957, when the Liberal Party included among its senatorial candidates the politically inexperienced Osmundo Mondoñedo, former administrator of the Agricultural Credit and Cooperative Financing Administration. The growth of unionism was also recognized in 1957 by the first nomination of a full-time labor leader to a senate seat. Neither of these candidates was elected, however.

The political arrangement, involving the end of "block voting," which made possible the passage of new tax legislation, has been of even greater long-term significance. Leverage from outside the Filipino political elite speeded a change in the Philippine constitution—taken in its broad sense—more important than any other since the war. The abolition of block voting was a key factor in making possible the direct expression of farmer and labor interests through a third national political party, the Progressives, in 1957. This was a political by-product of the Bell Report implementation which had not been planned. Nevertheless, a broader lesson can be drawn from this incident.The split within the elite which was resolved by trading fiscal reform for an election law revision did not presuppose a two-party system. The Nacionalista Party was very weak at that time; controversy among Liberals created deadlock and forced a compromise. Even though the new taxes enacted did not constitute very significant reform, the character of the incident would seem to support the proposition that in the context of controversy within a conservative elite the pressures exerted by a foreign aid program can be a catalyst for social progress.

Partly because of the strategic situation and partly because of the welfare orientation of Magsaysay himself, the Philippine aid program did not suffer from the disadvantages of attaching inordinate importance to military assistance. A heavy emphasis on short-term military build-up can make it very difficult, if not impossible, for aid administrators in some countries to give proper attention to strengthening reform forces. In Taiwan and Korea, for instance, even if "military assistance" is defined so as to include only direct forces support and military hardware, it accounts for a majority of U. S. aid. This budgetary allotment does more than deprive some social and economic programs of funds. With such an emphasis determined in Washington it is hard for the field administrator to assert that an objective of economic aid is to guide social change, or to encourage it, even if he wants to. This is especially true if pressure for reform seems to necessitate a threat, explicit or implicit, of a suspension of aid.

Between FY 1951 and FY 1957 military assistance, including defense support, grew from 38 per cent to 84 per cent of U. S. foreign aid appropriations. Though it has dropped again in FY 1959, military assistance is still about two-thirds of the total. Nine well-informed members of the Senate Foreign Relations Committee complained to the President last September about the "overemphasis on military assistance."[46] Such overemphasis, they wrote, "has tended unavoidably to involve the United States in situations in which our aid may have contributed to the maintenance in power of regimes which have lacked broad support within the countries we have assisted."

Thus we face a dilemma. Chester Bowles has described it well: "Often . . . our assistance [is] used, not to speed reform, but to postpone the need for it, and thus to protect the power and prestige of the anti-democratic right-wing groups which are clinging . . . to the past. . . . Assistance grants designed to stop Communism by such a narrow means must ultimately fail."[47]

In seeking a way out of that dilemma, much rests in the discretion of the makers of American foreign aid policy. Aid administrators in the Philippines during the earlier years were dedicated to the proposition that the stimulation of social reform was a necessary and proper function of the mission—so important a function, in fact, that they were willing to risk a temporary rupture in good relations between the two governments for the sake of what they considered long-range American and Philippine interests. Other attitudes have produced aid programs of a very different character. One might conclude that, in practice, the way in which American officials define the character of our short- and long-term interests, as well as their evaluation of the social, political and economic situation in a particular country, is more important in determining foreign aid policy than any one objective factor which they might be compelled to recognize.

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[46] *New York Times*, September 10, 1958.

[47] "A New Approach to Foreign Aid," *Bulletin of the Atomic Scientists* (February 1957), pp. 42–47.

CRITICAL NOTES

SOME METHODOLOGICAL DIFFICULTIES IN ANTHONY DOWNS'S *AN ECONOMIC THEORY OF DEMOCRACY*

W. HAYWARD ROGERS
State University of Iowa

Political scientists drawn to the methodology and techniques of natural science are currently producing some interesting and provocative suggestions. That they have the benefit of all that has been learned about this methodology for the past three centuries is, of course, to their advantage. However, anyone familiar with this history realizes that in the formative stages of a young science, the rate of development is sometimes painfully slow. It will be no different for the behavioral sciences. While the attempts of these political scientists are to be encouraged, a word of caution is in order. In their eagerness to exploit the power of the methodology, sometimes a misapplication or an overextension of various techniques occurs and confusion ensues.

Anthony Downs's recent book, *An Economic Theory of Democracy*, is sophisticated and enlightening. I shall attempt here to point out some of its methodological difficulties. Since my task is so confined, I can only nod in passing to its many commendable features.

Downs proposes to study the political behavior of the so-called rational man by means of a model. What he does, briefly, is this. (1) He defines the term 'rational man' and explains that such a conception is an abstraction "from the real fullness of the human personality."[1] (2) He states several axioms concerning the behavior of rational man. (3) He deduces from these axioms further generalizations (theorems). What Downs is constructing, then, is a rudimentary theory of the political behavior of rational men.

There can be no quarrel with this method as such. Downs, however, is mistaken in his expectation of what his axiomatization can do or accomplish. He overestimates its usefulness for the empirical study of political behavior. Let me explain. Downs has two axioms, which are:

A1. Political parties in a democracy plan their policies so as to maximize votes.[2]
A2. Every citizen rationally attempts to maximize his utility income, including that portion of it derived from government activity.[3]

Sample theorems deduced from A1 are:

T1. Both parties in a two-party system agree on any issues that a majority of citizens strongly favor.
T2. Democratic governments tend to favor producers more than consumers in their actions.

Similarly, sample theorems deduced from A2 are:

T3. Under certain circumstances, a rational man votes for a party other than the one he would most prefer to see in office.
T4. Because nearly every citizen realizes his vote is not decisive in each election, the incentive of most citizens to acquire information before voting is very small.

Finally, some theorems are said to be deduced from both A1 and A2. These include:

T5. Political parties tend to carry out as many of their promises as they can whenever they are elected.[4]

Now, insofar as Downs has stated his axioms and theorems explicitly, it seems clear that T1 to T5 do *not* logically follow from A1 and A2. He needs more axioms than he has explicitly listed. I shall nevertheless give him the benefit of the doubt and assume that he can supply them, for only such an assumption will render his deductions formally acceptable. My main point is a different one, namely, that his axioms are not as powerful as he thinks they are. This can be demonstrated.

After having deduced the theorems, Downs claims (1) that these theorems can be empirically tested; and (2) that such tests, if they show that the theorems are true, would confirm the original axioms A1 and A2. Now it must first be noticed that such confirmation would be bestowed not only upon the axioms A1 and

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[1] Anthony Downs, *An Economic Theory of Democracy* (New York: Harper and Brothers, 1957), p. 7.

[2] *Ibid.*, p. 296.

[3] *Ibid.*, p. 297.

[4] *Ibid.*, pp. 296–300.

A2 but also upon all the other axioms which, as matters stand, are not explicitly mentioned by Downs. In the absence of further information as to what these suppressed axioms say, one cannot be sure that the truth of the theorems confirms A1 and A2 plus these other axioms or, perhaps, only these other axioms. The latter would be the case, for instance, if it can be shown that the theorems are deducible from these other axioms alone without the help of A1 and A2. Again, I shall not pursue this possibility further. Instead, I shall continue to assume that Downs is in fact correct in claiming that his theorems follow from the axioms he mentions together with some added axioms.

Next, let us for the moment naively assume also that Downs's theorems have in fact proved true, that is, that an empirical investigation shows that they are true generalizations. Can one then claim, as Downs does, that A1 and A2 are confirmed? This much is certain: if the axioms are true and if the deductions are formally correct, then the theorems must be true. Hence, if the theorems turn out to be false and if the deductions are formally correct, we could be sure that one or more of the axioms must be false. But Downs states quite clearly that his axioms concern a 'rational man' as an abstraction, and he seems also convinced that his axioms hold only for a 'model world' and not for ours. This means, in short, that these axioms are not true for our world, or, at least, that we have very good reason to assume that they are not. If one has doubts on this score, he may remember that the axioms imply that every citizen does in fact behave rationally. It seems clear that not every citizen does in fact always behave rationally, even in Downs's sense. It seems equally clear therefore, that Downs's axioms are, as a matter of fact, for our world 'uninterpreted.' "The statements in our analysis are true of the model world, not the real world, unless they obviously refer to the latter. . . . Whenever he [the reader] is tempted to think an assertion empirically false, let him provisionally assume it refers solely to the model."[5] If so, what can Downs possibly mean when he says that the axioms can be confirmed by a test of the deduced theorems? All he can mean is that we can somehow show that the (in fact) 'uninterpreted' axioms are nevertheless true (for our world). An examination of what I take to be the most serious flaw in his construction will reveal, perhaps, how Downs thinks such confirmation is possible.

One can describe his construction in the following way. Starting from axioms whose narrowly defined terms have their referents *only* in a 'model world,' Downs deduces by means of logical operations certain theorems. Up to this point, neither the axioms nor the theorems are 'interpreted.' This is obvious because, deductively, the terms as they occur in both the axioms and the theorems must have the same meanings. As they occur 'uninterpreted', for our world, it is correct, strictly speaking, to say that they are neither true nor false; rather they are terms which have no referents outside the model. If Downs means that we are to test empirically the theorems *as stated,* I am at loss to comprehend what such an operation would be like. Whatever he does mean, one thing is clear. Downs does not realize that before the theorems could ever be of use in an empirical investigation, they would first have to be 'interpreted'. Such an 'interpretation' would require coordinating a basic set of empirical concepts with the original terms and rational relations of the model. Not realizing this problem, naturally he offers no solution for it.

Downs, then, is either confused about the 'connection' between the axioms and theorems of a deductive system or he is confused about what axiomatization can and cannot do. A 'theory' consists of a number of generalizations which are deductively connected. If one has enough of them one may then axiomatize.[6] Of course, one can never be altogether certain whether any given generalization is in fact true, especially in the field of political behavior, but one should always start with those about which one could be reasonably sure that they are not false.

It seems, then, that one may take Downs's study as an exercise in deduction, disavowing all claims as to whether the axioms are 'interpreted' or not. This might be a very interesting study of possibilities. One could perhaps find out what generalities would hold in a world which is in certain respects different from ours. But since Downs claims that his theorems should be tested in our world, one may well wonder why he did not simply state these theorems, omitting the tedious construction. Why did he not simply state some generalizations, as hypotheses which *prima facie* have some chance of being true, and then perform empirical investigations in order to test his guesses? One possible answer is that, if he simply made some guesses as to what generalities describe the political behavior of men, a few considerations might show so many exceptions to them and so many difficulties in testing them, that his work would rather be regarded as a program—a program that, at least in the near future, had no chance of being carried out. But having gone through his axiomatization and deduction, some may suppose that Downs's theorems are more plausible than in fact they are. That they have been deduced from axioms seems somehow to make his theorems more respectable.

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[5] *Ibid.*, p. 34.

[6] For a good discussion of axiomatization see Gustav Bergmann, *Philosophy of Science* (Madison: The University of Wisconsin Press, 1957).

It is one thing to construct a model of the political behavior of the 'rational man,' and quite another to study empirically the behavior of men. Such an empirical study must start from a few relatively simple guesses at what generalities hold. These guesses must at least appear likely to stand up under investigation. After they have been empirically tested and confirmed, one may then deduce further generalizations and test them in turn. With such an accumulation, one may arrange generalizations in a certain order, calling some axioms, and others (that can be deduced from these) theorems. It is significant to point out that the axiomatic system type of theory has only a few instances in physics. But while there is a systematic body of generalizations of wide scope in physics, there are few, if any, comparably related generalities in the present science of political behavior. What is needed at this time to advance that science is neatly stated by Kenneth Spence, who remarks concerning psychology in its infant years, "After all, there must be a period of purely empirical fact finding in order to provide a sufficiently comprehensive set of low order laws before the more abstract, integrative aspects of science can be expected to appear."[7] Whether or not the science of political behavior develops to an extent such that axiomatization is desirable or useful is an empirical question. What is certain is that axiomatization and the use of the deductive method come *after* one has made empirical investigations, not before.

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[7] Kenneth Spence, *Behavior Theory and Conditioning* (New Haven: Yale University Press, 1956), p. 1.

BOOK I OF MONTESQUIEU'S *THE SPIRIT OF THE LAWS**

DAVID LOWENTHAL

Wheaton College

The central issue in the interpretation of *The Spirit of the Laws*—the issue with the widest and most profound ramifications—concerns the apparent lack of a comprehensive plan and order by which its thirty-one Books might be considered parts of an integrated whole. Frequently, and in this country almost always, the apparent lack is taken to be real. According to Carl Becker, for example, the work " . . . is not a systematic treatise on politics (everyone has noted the fact that it is not systematic), but a book of disconnected reflections—a book of essays really."[1] And even those scholars[2] who find an order beneath the apparent chaos, hidden for such reasons as the fear of persecution, have not taken seriously the following passage from D'Alembert's eulogy of Montesquieu:

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* When specific pages are cited, the popular two-volume Garnier edition (1949) of *De l'Esprit des Lois* is used, and referred to as *Esprit*. The Laboulaye edition of *Oeuvres Complètes de Montesquieu* (Paris, Garnier Frères, 1875–9) will be called *Laboulaye*. *Pensées* will stand for Montesquieu's *Pensées et Fragments Inédits* (Bordeaux, G. Gounouilhou, 1899–1901, 2 vols.), and *Défense* for his *Défense de l'Esprit des Lois*. The translations are my own.

[1] Carl L. Becker, *The Heavenly City of the Eighteenth-Century Philosophers* (New Haven, 1932), p. 113. See also Ferdinand Brunetière, *Etudes Critiques sur l'Historie de la Littérature Française* (Fourth series, 4th ed.), p. 259; George H. Sabine, *A History of Political Theory* (New York, 1937), pp. 551, 556; Franz Neumann, in his introduction to the Hafner Library of Classics edition of *The Spirit of the Laws* (New York, 1949), pp. xxix, xxx.

[2] Gustave Lanson, *Montesquieu* (Paris, Librairie Félix Alcan, 1932), pp. 5–8; Edouard Laboulaye, "Introduction à l'Esprit des Lois," *Laboulaye*, vol. 3, pp. iii-v, xvii-xxiii; Joseph Dedieu, *Montesquieu* (Paris, Félix Alcan, ed., 1913), pp. vi, vii, 85–90; H. Barckhausen, *Le Désordre de l'Esprit des Lois* (Bordeaux, Imprimerie G. Gounouilhou, 1898).

> We say of the obscurity that one can permit oneself in such a work the same thing as of the want of order. What would be obscure for vulgar readers is not for those whom the author has had in view; besides, voluntary obscurity is not obscurity. Having to present sometimes important truths, the absolute and direct statement of which would have been able to injure without advantage, M. de Montesquieu has had the prudence to envelop them; and, by this innocent artifice, has hidden them from those to whom they would be harmful, without their being lost for the wise.[3]

D'Alembert would have us believe that the obscurity and apparent lack of order in the work are both intentional: a deep sense of responsibility obliged Montesquieu to conceal important truths from those who might be harmed "without advantage," and to do so in such a way that these truths would not be kept from the wise, who would benefit from them. But this principle is incompatible with wholesale public enlightenment at any time.

Nor does Montesquieu himself fail to pronounce on an issue so crucial to the understanding of his most mature work. On the contrary, he avails himself of the most likely place for supplying a guidance that is explicit and clear, though necessarily concise. In the second paragraph of the Preface he makes a request he fears will not be granted—that a work twenty years in the making be read with great care and considered as a whole:

> If one wishes to seek the design of the author, one can discover it well only in the design of the work.

His painstaking quest for a "design" is mentioned toward the end of this Preface, which in its entirety, implicitly as well as explicitly, communicates indications of its author's deliberateness and of his dedication to systematic science and statecraft. Its own design, in fact, is part of the over-all design of the work.[4]

But Montesquieu's most forthright defense of the orderliness of *The Spirit of the Laws*, like D'Alembert's afterwards, was framed in response to contemporary criticisms levelled against it:

> When one reads a book it is necessary to be disposed to believe that the author has seen the contradictions that one imagines, at first glance, one meets in it. Thus it is necessary to begin by distrusting one's quick judgments, to take again the passages that one pretends contradict each other, to compare them together, to compare them further with what precedes and what follows, to see if they are in the same hypothesis, if the contradiction is in the things or only in one's own manner of conceiving. When one has done all that well, one can declare as a master: "There is a contradiction."
>
> This is not always all, however. When a work is systematic, it is necessary further to be sure that one grasps well the whole system. Behold a great machine made in order to produce an effect. You see wheels which turn in opposite directions; you would believe, at first glance, that the machine is going to destroy itself, that all the wheelwork is going to impede itself, that the machine is going to stop. It keeps going always: these pieces, which appear at first to destroy each other, unite for the proposed object.[5]

No revelation of why such a work should be composed in this manner—of Montesquieu's "proposed object"—accompanies this amazing confidence. Obviously, the omission here and the mode of composition in the work itself might both stem from the same source, *i.e.*, not only from his fear for himself and his book, but even more—if D'Alembert is right—from his sense of public responsibility. The desire, so strongly expressed in the Preface, to enlighten the people, to instruct men and cure them of their prejudices, would then have to be limited by that very "general virtue which comprehends the love of all" from which it springs.[6]

There may be other reasons why Montesquieu writes as he does,[7] and the assessment of motives in particular instances will undoubtedly pose difficulties. But one thing can be assumed: *The Spirit of the Laws* has a design or system, and only in its light are the parts fully intelligible. To uncover this design, we must begin by studying that apparently incoherent and alternately simplistic and obscure masterpiece of profound and benevolent guile, Book I. Its subject—laws in general—makes it a part that is especially revelatory of the whole.

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[3] Jean d'Alembert, *Eloge de M. de Montesquieu*, in vol. 1 of the Bastien edition of Montesquieu's *Oeuvres* (Paris, 1788), p. lxxix. *Cf. Laboulaye*, vol. 3, p. xviii ff., for Laboulaye's interpretation of this passage. In the same volume there is a strong statement by Bertolini (in his "Analyse Raisonnée de l'Esprit des Lois") concerning the marvelous concealed plan of the work (pp. 60, 61). See also Leo Strauss, *Persecution and the Art of Writing* (Glencoe, Ill., 1952), p. 29, note 11.

[4] The use of introductory material to indicate to the reader the presence of a deliberately hidden plan is not confined to the Preface of *Esprit*. In the prefatory "Quelques Réflexions sur les Lettres Persanes" (to that work: see *Laboulaye*, vol. 1, pp. 47–9), Montesquieu states that "... the author has given himself the advantage of being able to join philosophy, politics and ethics to a tale, and to link the whole by a chain that is secret and, in some fashion, unknown." Note, with reference to this last phrase, the deliberate irony of the last line of these reflections: "Certainly the nature and design of the *Persian Letters* are so open, that they will never deceive any except those who wish to deceive themselves." A similar device is employed in Montesquieu's "Invocation aux Muses," which was to have introduced the second volume of *Esprit* (*Laboulaye*, vol. 4, pp. 359–60). Here the reference to novel ideas and a deliberately planned presentation is very clear. Further evidence of a design in *Esprit* is given at the beginning of Part 3 of *Défense* (*Laboulaye*, vol. 6, p. 198), where Montesquieu asserts that "... in books of reasoning, one holds nothing unless one holds the whole chain." See also the last two paragraphs of Book I, and the first chapter of Book 19, of *Esprit*.

[5] *Pensées*, vol. 2, p. 25. These paragraphs were intended as an answer to the Abbé de la Porte's criticism of *Esprit*, which Laboulaye tells us was especially levelled at its lack of an over-all plan (*Laboulaye*, vol. 3, pp. xxxvii, xxxviii).

[6] See the statement about observing "proprieties" in Bk. 4, ch. 2, p. 35.

[7] In Bk. 11, ch. 20, Montesquieu avers that his purpose is to cause the reader to think, not simply to read. Writing in textbook style may not be the best method of encouraging independent thought. See Lanson, *op. cit.*, p. 24, and Albert Sorel, *Montesquieu* (Chicago, A. C. McClurg & Co. 1888), p. 94.

I. BOOK I, CHAPTER 1: OF LAWS, IN THE RELATION THEY HAVE WITH THE DIVERSE BEINGS.

The famous opening paragraph reads as follows:

> Laws, in the most extended meaning, are the necessary relations that derive from the nature of things; and, in this sense, all beings have their laws; the divinity has its laws; the material world has its laws; the intelligences superior to man have their laws; animals have their laws; man has his laws.

The order in which these five kinds of beings are mentioned is the order in which they are examined forthwith in the remainder of the chapter.[8] It is an order of oscillation, going from God down to inanimate matter, up to something like angels or spirits, down again to animals, and finally up again to man, who stands midway between angel and animal as he does between God and matter. The ensuing discussion serves a two-fold purpose: (a) to explain the character of these laws, and (b) to show which of them are pertinent to justice.

The existence of God has to be proven, whereas that of the material world does not. This proof must be based on something that is readily perceived or discerned, in this case on the existence of intelligent beings: because such beings exist, the ultimate cause of things must be something other than blind fatality: it must be a "primitive reason." And here the deduction ends, no further argument from design, from orderliness, from the source of motion, etc., being adduced. But such a proof has a cavalier quality: its air of self-evidence seems unwarranted. This is not all, for Montesquieu does not demonstrate, or even try to demonstrate, that God is a single, immaterial, personal being, the Creator of all things. Yet these traits slip at once into the divine specifications.[9] He states that God has wisdom and power, that He preserves the invariable laws by which he decided to govern the created universe. The impression is thus given of a non-interfering though active Deity—one whose intent is fulfilled through invariable law rather than miraculous intervention. At the same time, however, the reader's attention is by implication directed to the problem posed by the original exemplar of all miracles: creation. What would cause God to create? Was the act of creation a free act, or was it necessitated by the kind of being God is? In any case, nothing at all has been "proved" about God except that a "primitive reason" exists, and the statements likening God to an intelligent human being are purely gratuitous.

The existence of the material world seems less problematic:

> As we see that the world, formed by the movement of matter, and deprived of intelligence, subsists always, it is necessary that its movements have invariable laws . . .

We "see" the material world, we do not see God. But it is not true that we "see" the other things mentioned in the sentence. They cannot be matters of sense perception: they require scientific demonstration and as such raise complicated cosmological issues. For it was modern natural philosophy, or science, that called into question the existence of a special kind of matter and special non-material beings ("intelligences") in the heavens. These elements of medieval and Aristotelian cosmology were replaced by the idea of one universal matter, whether self-subsistent or created by God, which acted according to universal, mathematically-formulable laws. And the very fact that ordinary, changeable, earthly matter was now supposed to be the sole stuff of the universe, made it possible that the world—*i.e.*, the visible order of earth and heavens—would not "subsist always." Of this Montesquieu is fully aware, yet he sees fit to preserve outwardly the popular view of the stability of the visible universe. He then proceeds to ascribe to bodies (without distinguishing the celestial from the terrestrial) an invariable law of motion, in a passage surpassing in accuracy the preceding passages about God.

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[8] *Cf.* Descartes' *Meditations*, #3, near middle, for this arrangement of beings, where the word "angels" is used instead of "intelligences superior to man."

[9] That this sovereign neglect to prove the statements he makes and implies concerning God is not due to ignorance or carelessness can be shown from Montesquieu's earlier work, *Persian Letters* (*Laboulaye*, vol. 1), letters 69, 76 and 98. Just as the whole of St. Thomas' treatment of law should be compared with Montesquieu's to appreciate the latter's radical departure in basic principle, so also should their proofs for the existence of God. *Cf.* St. Thomas Aquinas, *Summa Theologica*, Part I, question 2, article 3 as well as I-II, question 91, articles 1 and 2, and question 93, articles 1 and 2. For Montesquieu's main argument for the existence of God (from the existence of intelligent beings) in an entirely different context—one which stresses man's duties to God—see the summary of his *Traité des Devoirs* in *Laboulaye*, vol. 7, p. 67. See *Pensées*, vol. 1, p. 450 for an argument for God's existence based on the order of the universe. See also the same work's sarcastic treatment of astrology, vol. 2, p. 525. *Re* "creation," see *Défense* in *Laboulaye*, vol. 6, p. 146; *Pensées*, vol. 2, p. 503; *Esprit*, Bk. 1, ch. 1, footnote to term "divinity" in first paragraph.

In treating the subject of the material world, Montesquieu recurs to the problem of creation by God. Admittedly, creation seems an arbitrary act; yet it presupposes invariable rules without which the "world" would be destroyed. Indeed, any "world"—if we could imagine other worlds—would presuppose such rules. But Montesquieu tacitly assumes that the presence of rules suffices to guarantee the preservation of the world we actually see.[10] His concern is to emphasize God's need for rules, and again tacitly, His need for rules that He Himself does not violate or alter. In the creation and preservation of the universe, God is bound by His own choice.

Since Montesquieu is trying to show the place of human laws in a lawful universe, we must constantly bear in mind the role which the various beings play as exemplars for human conduct. He stresses the visible orderliness of the universe, not its disorderliness. This orderliness is something which human societies need to imitate if they are to be preserved. But how can this be done? What keeps human societies together? The traditional answer is "justice." Justice is a moral quality or relation, but Montesquieu does not specifically attribute it to God. God has wisdom and power: goodness, justice are at best only implied qualities. And so far, God is an exemplar for men only because He uses wisdom and power to preserve what He has created.

The third kind of beings enumerated at the outset were "intelligences superior to man." When we arrive at the part of the chapter reserved for them we do so in the hope of discovering something about the sort of being (intelligent beings in general) whose existence was previously used to prove the existence of God. For the most part we are disappointed; indeed, the mystification becomes greater. The very heading is altered to "particular intelligent beings." There is no attempt whatsoever to elaborate the meaning of "intelligence" and its activities or to prove the existence of angels, heavenly movers, spirits, sub-deities, etc. Instead, Montesquieu embarks upon a curious train of reasoning to show that intelligent beings had relations of equity before they had positive laws of their own making.[11] In this respect, he does indicate the greater relevance of the occasion to the problem of justice: it is the only point in this passage that might have been expected.

The distinction between laws a being has, but does not make, and laws it has that it does make, forms the beginning of the paragraph in question. "Particular intelligent beings" can have laws they make, and thus, by implication, they are unlike the material world and like God; but in addition (and thus, by implication, like not only the material world but God too) they have laws they have not made. These we are asked to ascertain not from their actual relations but from the necessary relations they would have as possible beings of this kind. We are to conceive, in other words, how purely intelligent beings would treat each other. Just as the radii of a circle are equal before the circle is drawn, so would there be relations among such possible beings.

What can this mean? Why is the status of justice or equity so treated when it is first treated? To begin with, the problem of the relation between possibility and actuality is not altogether new at this point. It had been foreshadowed in the statements about the causes of God's creating the universe. In connection with the material world, the existence of invariable laws was regarded as essential to any orderly world that God *might* have created. But in both those cases no attempt was made to conceive the necessary relations of possible beings of the type in question. By placing the status of the relations among intelligent beings at this remove, Montesqueiu apparently assures the existence of a justice that is independent of and prior to positive law. Such justice, however, would scarcely depend on the actual creation or existence of intelligent beings. In fact, it would not even depend on the will or existence of God: God determines the existence, not the essence, of possible things. What is more, the same reasoning would apply retroactively to the earlier discussion of the laws of the material world: in their essence as possibilities they too would be independent of the will of God.[12]

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[10] *Cf. Pensées*, vol. 2, pp. 195–9 and *Persian Letters*, #76, 98, 114. Note also that in the present part of the text, reference is made to the unchanging "rules" (règles), not simply "laws" (lois), by which God has created and continues to conserve the universe. Here, in the context of a discussion of the material world, is the only place in Book I where this term occurs. *Cf.* the last chapter of the *Essai sur le Goût*, entitled "Des Règles," where Montesquieu signifies thereby the general yet flexible rules employed by the artist in artistic production.

[11] There can be no doubt that Montesquieu attempts wherever possible to give outward support to this "priority" of natural equity. See *Défense* in *Laboulaye*, vol. 6, p. 144; *Persian Letters*, #84; *Pensées*, vol. 1, pp. 392–7; *Laboulaye*, vol. 7, pp. 66–7. Commentators have usually welcomed his efforts in this direction with great warmth without subjecting the context of "intelligent beings superior to man" to careful analysis. See, for example, Dedieu, *op. cit.*, pp. 118–20 and Franz Neumann, *op. cit.*, p. xxxix.

In the sequence of beings to be examined, "particular intelligent beings" have been substituted for "intelligences superior to man." We are thus led to anticipate that the relations described might apply to men as well as to such beings as angels, or to any being in so far as it is both "particular" and "intelligent." Here is the passage:

> . . . supposing that there were societies of men, it would be just *to conform* to their laws; . . . if there were intelligent beings who had received some benefit from another being, they should show gratitude; . . . if an intelligent being had created an intelligent being, the created being should remain in its original dependence; . . . an intelligent being which has done harm to an intelligent being deserves to receive the same harm; and thus the rest.

These relations are stated in the hypothetical form befitting possibilities. The first clearly indicates that the standpoint chosen is that of human rather than angelic societies, and to its demand for obedience to human laws are added rules pertaining to the doing of good, obeying God, and the doing of evil. Taken together, they are noticeably bare or minimal, failing to require the moral perfection of intelligence, and not even mentioning its purely theoretical activity. In addition, they possess a strangely reactive character: they stress obeying law already made, not proper lawmaking; responding to good and evil already done, not benefiting and forbearance from harming; remaining subordinate to one's creator. Again, these relations are purely formal—*i.e.*, they are not based on the content of the laws, goods, dependence, or evils involved. Yet they differ in the degree to which they supply their own moral evidence: obedience to human laws and dependence on one's creator are both made obligatory without any explicit reference to goods and evils, while the other two directly involve some such reference. Indeed, reciprocity with respect to benefits is very inexact, with respect to evils peculiarly exact.[13] But does intelligence as such require obedience to human laws however bad, or returning any evil whatsoever for evil done?

There is another difficulty: obedience to God surprisingly occupies only the third, obedience to human laws the first, position—and this despite the fact that man and his kinds of laws have not yet been discussed in chapter 1. Similarly, only the first relation speaks of "societies" at all: the others fail to refer to social groupings of any sort. Do they have greater relevance to intra-social than to inter-social relations, or to relations among individuals regardless of social membership? In particular, does helping friends and harming enemies have any special locus among men?

The passage before us perplexes because its moral rules are affirmed without our knowing clearly to what beings they apply or how they are derived from intelligence. Nevertheless, it is clear that angelic perfection, or the perfection of intelligences superior to man, does not become an exemplar for human justice. In its place are anterior relations of equity which reveal, upon analysis, that they pertain to a being from whom considerably less must be expected.[14] We should also take account of the fact that Montesquieu had likened the relations in question to the relations of the radii of a circle. The analogy suggests that the former are no more "laws" than the latter, and that neither depend for their truth on divine revelation sanctioned by divine rewards and punishments. In short, something very different from Thomistic natural law is envisaged.

Taking stock, we remark that only certain minimal essentials for the guidance of man can be derived from the three kinds of beings studied thus far. This lack of a more complete directive is supplied in the remainder of chapter 1 by its treatment of animals and finally of man himself. The two are linked by the first explicit comparison between two types of beings, and for the first time the problems of human life are approached with an insight that is more obvious. Acknowledging that man has "supreme advantages," Montesquieu nevertheless conveys a sense of the greater healthiness of animals. They need not cope with the hopes and fears, the passions that beset the intelligent animal.

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[12] *Cf.* Leibniz, *Discourse on Metaphysics*, etc. (La Salle, Ill., Open Court Publishing Co., 1945), #13, p. 22, and his correspondence with Arnauld in the same edition, pp. 108, 123, 130–3.

[13] *Cf.* Aristotle, *Nichomachean Ethics*, Bk. 5, sec. 5, especially the discussion of reciprocity and corrective justice.

[14] A search through Montesquieu's *Pensées* reveals several places where some reference is made to "intelligences superior to man" other than God Himself: see vol. 1, pp. 395, 448–9, 452–3; vol. 2, pp. 503, 509, 531. In almost every case the beings involved are either pagan gods and goddesses, or spiritual aides (such as angels) to a single spiritual God. For the moral importance of the distinction between men and angels, see *Pensées*, vol. 2, p. 85. In general, it is not too much to say that one of Montesquieu's most serious aims in *Esprit* is to protect political society from the harmful effects of Christian "angelicization." This may explain why "intelligences superior to man" are allotted the third or central position in the order of beings (instead of coming directly after God) and receive so surprising a treatment. See *Esprit*, Bk. 19, chs. 5, 11; Bk. 23, ch. 21 (end), Bk. 24, ch. 7, Bk. 26, chs. 2, 9.

The last paragraph of the chapter is devoted to man alone. He is a composite of three kinds of being, at once a "physical being," "intelligent being," and "sentient creature." In the first case he is governed by invariable laws; in the second, he violates the laws God has given him, changes those he himself establishes, and is subject to ignorance and error; in the third, he is subject to a thousand passions. Thus in need of assistance, he receives it from three sources:

> . . . such a being could, at every moment, forget his creator; God has reminded him by the laws of religion. Such a being could, at every moment, forget himself; the philosophers have admonished him by the laws of morality. Made to live in society, there he could forget others; the legislators have returned him to his duties by political and civil laws.

This passage has the following peculiarities: First, the verbs "forget," "remind," "return" all give the impression that something men previously knew or did is merely being reestablished—they already knew of their proper relations to God, self and others; this knowledge is simply being reinforced, perhaps in stronger or clearer form. Second, the content of religion, morality, duties is not described; in particular, the phrase "laws of religion" fails to single out the revelations of Biblical or Christian religion from the rest,[15] and there is also no specification of which philosophers or which laws of morality are to be hearkened to. Third, an utterly un-Biblical distinction is made between laws of religion that come from God and laws of both morality and public duty that come from philosophers and legislators, *i.e.*, from men. Fourth, there is an odd separation of morality from politics—the former keeps man from forgetting himself, the latter from forgetting others; the true ethics seems, then, to concern one's own good as a man rather than one's duty to others. It is also relevant to add here that the topical treatment of positive laws in the third chapter is restricted wholly to political matters—to the task of the legislator, to Montesquieu's own task. Nowhere in the entire work is the positive moral law of the philosophers dilated upon, and only in Books 24 and 25 are the positive laws of religion examined.

The term "legislator" may be further clarified. In chapter 3 Montesquieu defines law as reason insofar as it governs the peoples of the earth. This suggests that the perfection of the legislator consists in the perfection of his rational law-making abilities. Thus, a variety of wise statesmen are referred to later in the work as "legislators," but in that final chapter of Book 29 which is specifically entitled "Of Legislators," only political philosophers—Aristotle, Plato, Machiavelli, More, Harrington—are mentioned. We are impelled to the conclusion, accordingly, that not only the laws of morality but political and civil laws in the highest sense, as well, are supplied to man by philosophy. God and philosophers, then, have provided man with that much ampler guidance of which he was desperately in need. But God has only helped man to remember God, to the exclusion of remembering himself or other men. It follows that justice—or right political arrangements in general—as well as morality, are the concern of, and derive from, *human* wisdom alone.

This is the most striking consequence of the above passage. The question of the view of God thus entailed is a difficult one.[16] We confine ourselves to the bearing of the passage on what went before. Earlier the anterior relations of equity had been considered in their character as possibilities, and likened to the relations of the radii of a circle. Thereby, doubt was cast on their status as "law"—that is, as the sanctioned commands of God: they had simply come into actual existence by the fact that God created particular intelligent beings. Now, however, we have grounds for suspecting that God did not engage in the act of creating such beings in order to provide for their good or to establish justice among them. On the contrary, his sole concern seems to be (and must from the beginning have been, since his intent is unchanging) to make them dependent on Himself. This isolates the second of the relations of anterior equity as the only one (of the four specified) intended by God directly. And it accords with the fact that the attribute of justice is omitted from Montesquieu's first account of God. We are left to suspect that the area of human justice, of the just treatment of men by men, depends for all its lawfulness and is only intended by, human commands and human sanctions.

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[15] Bk. 26, chs. 1, 2, repeat this non-specificity.

[16] It is less difficult to ascertain Montesquieu's attitude toward the teleological principles of ancient philosophy than toward those introduced by the Bible. Laboulaye maintains that he may well be a Deist but not an atheist (vol. 3, p. xxviii). In attempting to decide this issue, careful consideration must be given to *Défense* as well as to *Pensées*, vol. 1, p. 441–5, 468, 445–53.

But how are the relations of anterior equity, the philosophic laws of morality, and the political and civil laws of the legislators mutually related? Just as the strict sense of law required that we question the legal character of the first (remembering that they are not explicitly called such by Montesquieu), so also must we question the legal character of the second (which *are* called laws). We must do so because what philosophers recommend or prescribe is not by their authority, *qua* philosophers, incorporated into a system of commands and sanctions. Simply as precepts to be followed because of their intrinsic merit or propriety, these prescriptions could not be regarded as laws.[17] Among the three kinds of added assistance, then, only those furnished by God and by the legislators are manifestly laws. As to precisely what God commands in order to insure that He is remembered, and how He rewards and punishes, we are not informed. Nor is this deficiency supplied in Book I. What legislators should command, conceived in general terms, is taken up in chapter 3, and will be referred to below.

We have still to explain Montesquieu's use of the verbs "forget," "remind," "return" in this passage. Since duties to men and God were included in the anterior relations of equity, the additional laws bestowed by God and the legislators could be regarded as lending new force to something men had already known—provided that those relations were known to men (as to all intelligent beings) from the very first. But this raises the question as to how and when in the course of human development they do become known—a question resolved once again only in the next chapter. It calls for a description of man's actual historical development. Into such a description would have to be fitted the coming of the three additional kinds of law, and not necessarily all at once as the passage seems to imply.

Let us sum up. We began with an oscillation of beings in which a God of intelligence plays the prime role. Emphasis is laid on his wisdom, power and unchangeability. The visible material world is said to follow an unchanging order. But there is no description of "intelligences superior to man" where we were led to expect one. When we come to the special laws given to man, moreover, we learn that God is not directly concerned with human justice. The upshot is that the role of God and angels as exemplars and superintendents of the good life, or just life, for man has been severely reduced. Man is a composite being. The rules leading him to the good life, the laws leading him to the just life, are in their highest form supplied by philosophers. From the beginning to the end of chapter 1, then, there is a shift from the importance for human guidance of beings superior to man to the importance of truly thinking men. On their wisdom human well-being ultimately depends, and we may even say that for them alone is "intelligences superior to man" a fitting though paradoxical appellation. Concerning the content of the moral and political directives prescribed by philosophers, the character of both the anterior relations of equity and of the description of animals suggests some foundation that accords man as such a place much closer to the animals than to the angels. Finally, we again remark, without attempting to explain, an extraordinary distinction between the province of ethics and the province of politics, together with the fact that the true ethics is never set forth systematically either here or elsewhere in Montesquieu's writings.[18]

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[17] *Re* the strict definition of law, see Thomas Hobbes, *Leviathan* Ch. 15 (end). For a possible source of the distinction between the positive law of God, of philosophers, and of legislators, see John Locke, *Essay Concerning Human Understanding*, Bk. 2, ch. 28, secs. 7–16, and Bk. 1, ch. 3, sec. 5. In the latter, the dicta of the "old philosophers" regarding moral principles are *not* viewed as commands possessing sanctions, being based on the demand of man's natural perfection and dignity alone. But later the term "philosophical law" (now identified with the ethics of the "heathen" philosophers) is used to refer to the law of reputation current in all societies, whereby praise and blame, socially accorded, constitute the rewards or punishments for actions looked upon as virtuous or vicious. Why Locke speaks in this way is not clear. It is less difficult to see that the place in the over-all scheme of law traditionally reserved for the law of nature has been filled by a species of positive law. In Montesquieu's case we are not furnished sufficient information to know whether the laws of morality given to man by philosphers are to be understood in Locke's first sense only (as is more apparent) or in his second sense as well.

[18] These observations suggest a linkage between Montesquieu and the political realism of Machiavelli. Indeed, in Bk. 6, ch. 5, Machiavelli is called "this great man"—an epithet very rarely bestowed on any philosopher in *Esprit*. Montesquieu also adheres to the form of Machiavelli's teaching, avoiding the combination of political realism and geometric reasoning attempted by Hobbes (see *Elements of Law*, the epistle dedicatory) and Spinoza (*Political Tractate*, ch. 1). But like the latter, he distinguishes between the level and needs of the many and of political life and the level and needs of those capable of living by the dictates of

II. BOOK I, CHAPTERS 2 AND 3

With this background in mind, we may proceed to the beginning of the history of man with which the second chapter opens. Under the title "Of the laws of nature," the first sentence reads:

> Before all these laws, are those of nature; thus named, because they derive solely from the constitution of our being.

The account of man with which the first chapter had just ended is without explicit chronological reference: it does not say when the various kinds of laws mentioned there were given to men. Moreover, it fails to spell out the laws initially governing men: these are simply referred to under the rubrics, previously employed, of the physical, the intelligent, and the sentient. Chapter 2 constitutes a clarification on both heads. It opens with the words "before all these laws"—clearly a temporal qualification—and it spells out the laws of man's nature. At first man had only his nature, not the wisdom of philosophers, to guide him. A development from original, primitive man to intelligent philosophers is indicated.

Not only is it surprising to find Montesquieu recurring to the theme of man's nature, just after having treated it toward the end of chapter 1; it is also unclear why the general heading "laws of nature" should now be used to describe what are wholly the laws of *our* being. The use of the phrase "laws of nature" to signify the laws of man's nature was characteristic of the predominant Christian tradition in political philosophy, according to which man is the highest part of nature because he is more than a part of it: his natural laws are the intentions or commands of God built into his frame, and his actions should be guided by these laws, the knowledge of which he (and he alone) is intended by his nature to develop.[19] God rewards obedience, and punishes disobedience, to the natural law.

But Montesquieu's conception of natural law differs considerably from the traditional one. Instead of including man's natural moral and intellectual perfection and the rules of justice he is bound to follow, it is now confined to man's primitive beginnings. A case in point is the treatment of man's gaining knowledge of God—the first natural law mentioned. But this avowedly most important of laws is not the first in order, that is, in temporal order. "It is clear that his first ideas would not be speculative ideas. . . ." With this comment Montesquieu goes on to four other natural laws which seem to follow some kind of temporal sequence, and he does not recur to the natural law by which man was said to gain knowledge of God, or to the development of "speculative" ideas as such. We have, thus, an adumbration, but only an adumbration, of a history of ideas culminating in philosophic ideas and philosophic truth. This history is not continued in any obvious fashion in the body of the work.[20]

Of the four natural laws now examined, three arise from man's sentiment, one from his intelligence. His sentiments would lead him to be timid and peaceful, even solitary; to nourish himself; to approach others of the same species, especially of the opposite sex; finally, he would gain the knowledge that would cause him to desire to live in society. Now in what sense are these natural laws? Montesquieu preserves the theistic framework of God-given commands by speaking of them as the laws man would "receive" before the establishment of societies. In reality, they are simply man's natural and inherent inclinations, which can only be observed in their original form before the workings of society have modified them. In order to discover the laws of "particular intelligent beings," Montesquieu had asked in chapter 1 only that we conceive such beings as *possible*. To discover the natural laws of men, however, we must picture what men were *actually* like prior to society. Accordingly, we are led to the earliest human reality rather than to an imagined possibility. Nevertheless, there is some similarity between the two cases, for original man, strictly speaking, is no longer observable, and there are no records of his behavior. What is demanded, therefore, is an act of reconstruction—or better, of analysis—whereby the philosopher attempts to decide which of the human characteristics known to him directly or by report can be attributed to nature alone. For this reason, the laws of man's nature—like those of "particular intelligent beings"—are stated in the subjunctive mood. But they are not in the form of hypothetical propositions, as had been required for simply *possible* intelligent beings.

Similarly, we are now able to explain why the term "natural law" is not applied to the

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philosophy: thus the difference between the anterior relations of equity and the philosophic laws of morality. Yet unlike him, he keeps the philosophical ethics from public view.

[19] See the reference to St. Thomas in note 9 above.

[20] For additional evidence of Montesquieu's interest in the natural development of man's ideas (and motives) from their original simplicity onwards, see *Défense* in *Laboulaye*, vol. 6, p. 156. This is an historical extension of what Locke attempted in the *Essay Concerning Human Understanding:* see Bk. 2, ch. 12, sec. 8.

relations of justice among intelligent beings described in chapter 1. These are called "possible relations of justice," "anterior relations of equity," or later "primitive laws." The term "natural law," in fact, is used in chapter 1 only with reference to animals and plants (especially the former): it had not even been applied to the laws of matter in motion, that is, to its principal subject in modern natural philosophy. Its appearance as the title of chapter 2 is therefore appropriate, consistent, and, one might imagine, calculated to startle. It serves to link the primitive natural inclinations of men described there with their closest kin in chapter 1, the inclinations of animals, not of angels. It indicates Montesquieu's perfect awareness of his radical departures from the medieval "natural law" tradition.[21]

Mention was made above of the peculiar treatment accorded in chapter 2 to the natural law relating man to God. We must attempt to assess the bearing of this treatment on this relation as it is presented in chapter 1. Among the anterior relations of equity, the third had held that a created being ought to continue to be the subordinate of its creator. Among the positive laws especially given to man, the first was said to issue from God in an effort to recall man to Himself!—that is, to strengthen this subordinate dependence. But chapter 2 has just informed us that by nature, in the strict sense, man does not have knowledge of God and hence cannot know of his dependence on God. This knowledge and dependence could initially be gained only through reflection on experience.

A question should now be raised concerning the grounds for picturing man's original state as a timid and solitary one, however rapidly he begins to associate with others. As Montesquieu presents it, the issue devolves not upon cosmological considerations of precisely how man originated,[22] but on the putative existence in man of an animal sentiment of timidity—a sentiment that arises out of fear for his own preservation and results in his temporarily isolating himself.

By way of empirical evidence—"if one had need" of such evidence—Montesquieu cites the case of savages who have been found in the forests, presumably after having led an isolated life therein: " . . . everything makes them tremble, everything makes them flee." In the ensuing discussion of Hobbes' thesis concerning the natural bellicosity of man, Montesquieu maintains that the idea of dominating other men is not natural to man but is rather a later development. Originally, man did not have motives for attacking others and defending himself. Here again Montesquieu implicitly assumes that by nature men are not enemies to each other: no original impulse drives them to attack or prey on each other, still less to subjugate each other. But granting this assumption does not suffice to establish the timidity of man, or that men did not originally use force to implement their natural needs. It is not universal among animals, for example, that "entreaties" should be the only means by which the sexes take to each other. We are therefore forced to wonder whether the element in man necessitating his timidity may not be his intelligence rather than his mere animal nature. Although chapter 2 speaks differently, chapter 1 had referred to the hopes and fears that man alone has, specifying that animals " . . . are subjected to death, but it is without knowing it." On this alternative, man would seek peace as soon as he learned of his own susceptibility to harm and destruction, and it would be this experience which could cause "entreaties" to prevail in the relations between the sexes. But the corollary of this view of man's early timidity is that he is capable of becoming aware of his strength as well. Why Montesquieu stresses timid isolation in chapter 2—to the point of regarding it as an original animal instinct—we do not yet know.

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[21] At the point in chapter 1 where the subject of animals is introduced, Montesquieu remarks that it is not known whether they are governed by the general laws of motion or by a particular motion. Soon thereafter he implies that plants may very well be governed by those general laws. In any case, the only problem is *which* motions account for animal behavior (including, of course, the workings of sentience). But sentience seems also to be regarded as an independent force. Another indication of this apparent ambivalence can be observed in his use in chapter 1 of the term "material world" (or "physical world") at first to exclude, then to include, animal life. By such means the reader is led to wonder about the status of intelligence itself and especially about its relation to the things below it.

The conclusion about plants can be found in Montesquieu's earlier *Observations on Natural History* of 1721 (*Laboulaye*, vol. 7, pp. 43–4) based on personal experiments with plants and propounded in support of the Cartesian system. At the end of the same work (p. 53) he plainly evinces great admiration for the two giants of modern natural philosophy, Descartes and Newton. *Esprit*, undoubtedly, constitutes an attempt to extend their work into the area of society. But natural philosophy as such, including its modern establishment, is accorded very peculiar treatment in *Esprit*. It is hardly referred to explicitly—*e.g.*, the names of Descartes and Newton are not mentioned at all. Yet the crucial importance of natural philosophy in Montesquieu's thought is shown by the use of the motto "*docuit quae maximus Atlas*" at the beginning of the second volume of the work (containing Bks. 20–31). Taken from Vergil's *Aeneid*, it draws attention to none else than the subjects of natural philosophy or science. See *Laboulaye*, vol. 4, pp. 357–8, and Vergil's *Works* (Modern Library edition), Bk. 1, lines 740–56. The connection between the development of the study of nature and the development of commerce can be inferred from Bks. 20 and 21.

[22] A passage from Lucretius' *On the Nature of Things* begins Bk. 23 of *Esprit*, the subject of which is human generation. On the possibility of the earth's having a natural origin, see the discussion of Lucretius in *Pensées*, vol. 2, pp. 195–9. *Re* the origin of man, compare *Pensées*, vol. 1, p. 473 with *On the Nature of Things*, Bk. V, lines 780–922.

The only explicit mention of the element of human intelligence (apart from the case of speculation about God) occurs in connection with the fourth natural law: the desire to live in society. The character of the knowledge involved is not set forth. Certainly it is not speculative, and the next chapter implies that it consists of some recognition of the advantages of society. This chapter, the third and last in Book I, is called "Concerning Positive Laws." Its form is as follows: to begin with, the formation of societies is said to lead to war; individuals and groups develop a sense of their own strength rather than weakness and turn to violence for the sake of winning control over the advantages of society. War within and among societies then breaks out, and from it arise laws among men. Significantly, the term "droit" is now used for the first time (even the chapter title had used "lois"), and Montesquieu distinguishes three types: the right of nations, political right, and civil right. The function of each is defined, and the natural form of each indicated. There is a "right" obtaining among nations, even though there is no state (*i.e.*, world government) uniting them:

> The right of nations is naturally founded on this principle; that the diverse nations ought to do to each other the most good in peace and the least evil in war that is possible, without harming their true interests.[23]

Each independent society consists of both a political and civil state. The former is "the reunion of particular forces;" the latter is the reunion of individual wills. The government and laws in the greatest conformity with nature are those which human reason would determine to be most appropriate to the various circumstances of each nation. The chapter ends by defining the term "esprit des lois" and describing the order to be followed in the body of the work.

In chapter 2, Montesquieu had criticized Hobbes for having regarded the war of all against all as man's natural condition. This war, according to chapter 3, was not the first but the third condition of man, succeeding a period of peaceful association without positive laws. War breaks out when men begin to feel their strength and covet the "principal advantages" of society. The text does not identify these advantages—let us suppose they are such things as possessions, power and prestige.[24] Originally or by nature, each man sought only his own biological satisfaction, but now he seeks greater advantages than the rest. In this case, however, there must be some element of his original nature that would account for his new inclinations. The very intelligence by which he came to learn of the desirability of society seems to be in the service of a strong tendency to pursue his own interests. This combination—little restrained by a natural concern for other men (except where they have become essential to his own satisfactions)—might account for the self-aggrandizement out of which war arises. By nature, then, man is a being of sentiment and passion rather than reason, and primarily selfish.

It was not a peaceful harmonious growth, not man's natural sociability, but rather war, that necessitated political society or the rule of some men over others. Here Montesquieu stands with Hobbes against the main tradition of political philosophy, which considered an inclination toward association and communication with others, as well as a concern for others (shown in attitudes ranging from sympathy and love to friendship), to be natural in man and fundamental to the origin and nature of political society.[25] As in Aristotle, speech was regarded as a crucial natural function eminently fitting man for the associated life. Montesqueiu knew this tradition well, and it can therefore hardly be accidental that his own account of natural man is entirely silent about speech. What is more, the simple constituents of original man offer little foundation for the elements of the best or perfected life—for the fine arts, moral virtue and philosophy—which can be shown from the body of the text to have been accepted as such by Montesquieu himself.[26] Consequently, there is reason to believe that the account of natural man in chapter 2 has been simplified in such a way as to omit those inclinations essential to the highest and lowest forms of human behavior. What remains is something like a mean between the best and the worst. But this is of a piece with the guidance supplied to man in chapter 1 by the anterior relations of equity, the precepts of which lie somewhere between traditional natural law and egoism.[27]

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[23] *Cf.* John Locke, *The Second Treatise of Civil Government*, ch. 2 (Of the State of Nature), sec. 6 (toward end).

[24] See *Pensées*, vol. 1, pp. 396–7.

[25] The traditional view is expressed in Montesquieu's earlier *Traité des Devoirs* composed in 1725 for the Bordeaux Academy (*Laboulaye*, vol. 7, pp. 66–7). There the emphasis is on man's sociability and rationality, and the Stoics are strongly praised. It should be added that the family is never directly regarded as a natural unit in Bk. 1 of *Esprit:* the only full reference to it consists of a denial that the structure of the family proves monarchy to be most in accord with nature (ch. 3). But later in the work it is so regarded (Bk. 23, chs. 2, 10; Bk. 26, chs. 4, 14), as also in *Pensées*, vol. 1, pp. 397–9 and *Persian Letters*, #79, 95. For the relation between man's natural obedience to his parents and his conventional obedience to the state, see *Pensées*, vol. 2, pp. 372–3. But *Esprit*, at least, is quite ambiguous about the natural status of the family.

[26] See Bk. 21, ch. 7 (end) and the Preface.

The idea that man is not by nature a social or political animal is indicated as well by the manner in which right and the state are defined as by the fact that they are necessitated by war. And these definitions—though they are supplied in the context of a discussion of man's beginnings—are clearly meant to apply not only to the earliest but to all political societies. The reason for this is not far to seek: the children born into every already-constituted political society possess the propensities of natural or original man, and the war that called the first state into existence is forever after a possibility that society must find means of averting. In fact, according to Montesquieu the only universal function of states as such is preserving themselves.[28] It is important to note that no detail is supplied as to the form of the earliest state. A new set of bonds had to "reunite" self-seeking individuals, but instead of being "returned" to their duties, duty to other citizens had now to be fastened on them for the first time, and as an alien discipline rather than as the maturation of their higher nature spoken of in the political tradition. No single form or natural perfection of man is a guide to the constitution of political societies. Agreeing with Hobbes on this point, Montesquieu nevertheless disagrees with him and with Locke by refusing to take the natural rights of man and the social contract as the new basis of orientation.

Before discussing Montesquieu's "relativism," we should make mention of an extremely important shift in subject matter that occurs within chapter 3. Immediately after having described the source of the earliest "right" in war, Montesquieu thrusts before the reader not the earliest principles of "right" but its true or natural principles. And the examples of false principles employed in the course of the exposition are drawn from primitive cases—the law of nations of the Iroquois,[29] and the putative rule of the father over his family. The latter comprises Book I's only reference to the family as a social unit and is introduced in order to deny that a monarchy modelled after the paternally ruled family is the form of government most in conformity with nature:

> Law, in general, is human reason, insofar as it governs all the peoples of the earth; and the political and civil laws of each nation ought to be only the particular cases in which this human reason is applied.

Here again—as in the consideration of the law of nations—we have an abrupt transition from a context in which the first or original laws of men are in question to a statement of the mature principles of reason, which are even regarded as those most in accord with "nature." Certainly one cannot read this last definition of law "in general" as "human reason" without being reminded of chapter 1's opening definition of "laws in their widest meaning," and of chapter 2's "laws of nature" standing in between. How are these three views of law related, in a Book the title of which is "Of Laws in General?"

We begin with the obvious fact that the true, rational and in some sense "natural" principles fundamental to politics are presented in a chapter entitled "positive laws"—a term never directly defined anywhere in Book I. In the Thomistic tradition, positive law had been of two types, divine and human. At the end of chapter 1, Montesquieu had referred to three types—religious, moral and political—but in such a way as to remove the relevance of the first (religious or divine law) to man's moral and political conduct. The distinction between natural and positive laws thereby becomes the distinction between laws inherent in man and laws man gives to himself.[30] Thus, all the laws mentioned in chapter 3—the earliest and most defective as well as the most rational—are classified as positive laws, and are confined to the area of the "political" in the largest sense, rather than of the moral. Compared with the natural inclinations of man depicted in chapter 2, they are laws which men give themselves.

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[27] We must understand this in the light of Montesquieu's remark about the spirit of the true legislator, to the effect that " . . . political good, like moral good, is always found between two limits." (Bk. 29, ch. 1).

[28] This is put in Bk. 11, ch. 5 as follows: "Although all states have in general an identical aim, which is to maintain themselves, each state has however an aim which is particular to it." *Cf.* Bk. 26, ch. 23.

[29] That the Iroquois are an example of early man can be shown by the term "sauvages" which is used to characterize both original man in Bk. I, ch. 2 and certain nations or peoples in Bk. 18 (chs. 9–12), among which are the American tribes.

[30] This follows Spinoza's *Tractatus Theologico-Politicus*, ch. 4. Natural law or necessity is distinguished from law as a "plan of living which men have for a certain object laid down for themselves or others," and which is "divided into human law and divine law." See *Writings on Political Philosophy by Spinoza* (New York, 1937), ed. A. Balz, p. 19. The divine law, for Spinoza, is nothing but the philosophic moral law. Thus, for both men the moral and political dictates of reason are not to be understood in terms of "conforming to nature."

But what of the "anterior relations of equity" of intelligent beings which play so important a role in the first chapter? No mention of them occurs in chapter 3, just as none had occurred in chapter 2. But there is an evident linkage between the very first of these relations and the account in chapter 3 of the coming into existence of positive law: that first relation is explicitly conditional on the existence of human societies and their laws. It, at least, could have arisen as an acknowledged obligation amongst men only after warfare made law necessary. As for the others, they, too, may be said at the minimum to post-date the solitary state of nature, although it is not at all clear when and under what conditions they arose. Nevertheless, we can observe two characteristics of the four relations taken as a group which are of decisive importance. First, compared to traditional natural law they demand very little. Secondly, they are consistent only with an egoistic view of human nature—a view supported by the evidence of chapters 2 and 3. Juxtaposed to the mature political principles adduced in chapter 3, they are both more limited in their scope and morally inferior—*e.g.*, the idea of returning the same evil for evil received is less elevated than even the true law of nations.[31]

What happens, in effect, is that the emphasis in chapter 1 on the anterior relations of equity is replaced in chapter 3 by an emphasis on positive law (droit). It is as if those relations arose at an early stage of human development as deficient principles of justice and were later corrected by the true dictates of reason that have been, or ought to be, embodied in positive law. These dictates could be called "natural" only in the sense that they were for the best, not in the sense of according with man's nature. In fact, they constitute a greater alteration of, and even revolt against, what man is and does by nature than the anterior relations of equity. But the latter retain their importance because they define the character of political life and hence delimit the justice of which political men are capable. Far from being the mere vestiges of previous doctrines, or mere rhetorical and logical devices, Montesquieu's conceptions of anterior justice and of original man serve ultimately to determine what is desirable and possible in society.

If "law, in general, is human reason insofar as it governs all the peoples of the earth," then Montesquieu is clearly trying to teach legislators and statesmen what the requirements of human reason are. He is himself a legislator without direct political power, a truer legislator than those who hold such power and lack wisdom. He seeks to propound the definitive principles of political guidance. But at the same time he seeks to propound the definitive principles of political explanation. The term "law" is the common focus of both aims, and the central theme of *De l'Esprit des Lois* may be said to be the place of law as a dictate of human intelligence within a universe of necessary forces, or—what is the same thing—the place of freedom in the midst of slavery. Sheer necessity causes order and disorder with the same lack of concern: it brings about the predominance—more accurately, the temporary predominance—of order in the visible universe, but also war among men. Human intelligence at its best tries to become free of every blind determination marring its capacity to understand reality; in addition, it is concerned about human order and good. As the moral law of philosophers (which is a law simply in the sense of an appropriate dictate of reason), or as the laws of political legislators (which involve the use of commands and coercion and constitute law in the strict sense), human intelligence purposefully cares for men. In this light we may finally appreciate why the definition of law in chapter 3 rivals in its generality the opening definition of the Book, duplicating, in fact, the terms of the Book's own title. If the law, in general, is *human* reason insofar as it governs politically, then all other law—the laws of motion, the laws of man's nature, the laws of morality, and even the anterior relations of equity (considered simply as precepts)—is so denominated equivocally. Thus is the original ambiguity of the term "law" resolved.

The passage in chapter 3 calling for a "relativity" of political and civil laws to the particularities of each people has a double effect: by introducing the existence of particulars for the first time, in a discussion devoted to generalizations about mankind, it makes clear the pertinence of these particulars not only for political conduct but for political description and explanation as well. In the latter regard, the history of mankind begun in chapter 2 and continued at the beginning of chapter 3 had been cut off abruptly, and its generalities are historically inaccurate: the real picture would show not mankind but particular men at particular times and places developing in a particular way. A shift had occurred from the early or primitive to the standpoint of the mature statesman. This new emphasis is continued in Books 2 to 13, where the most adequate structure of the three fundamental political orders and of the regime devoted to liberty are discussed—not without reference to their actual historical beginnings and development but with the primary purpose of discovering their best configuration. It is not until Books 14 to 18 that the history of man begun with the state of nature is resumed and at the same time rendered more complete and more accurate in particulars.

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[31] Compare the high moral expectations embodied in the true law of nations in Bk. 1, ch. 3 with the stark "realism" of Bk. 26, ch. 20.

In chapter 3 Montesquieu explicitly rejects the idea that any one form of political society is most in conformity to nature. In the strict sense this is true, because all political society requires that an alien discipline be fastened on hedonistic and selfish individuals. But even with respect to the keeping of public peace and the satisfaction of physical needs, societies can differ in their efficacy—a consideration applicable to all other desiderata as well. Thus, the particularity of the political problems and solutions of each people does not by itself imply that no form of political society is best for man. It did not imply this for Aristotle, and there are innumerable indications in *De l'Esprit des Lois* that the debits and credits of the various regimes—as judged by some general and unchanging standard independent of them—are in the forefront of Montesquieu's attention.[32] Democracy based on virtue, for example, is clearly superior to both monarchy and despotism. We have to seek the standard by which this is the case, and in accordance with which the opposition between the regimes of ancient virtue (so strongly admired in Books 2 to 8) and the regime of modern liberty (so strongly admired in Books 11, 12 and 19) is ultimately overcome.

Toward the end of chapter 3 the title of the work receives a brief explanation. The laws of each people should be related to many things, among them to its form of government, climate, religion, commerce, mores.

> Finally, they (laws) have relations among themselves; they have relations with their origin, with the object of the legislator, with the order of things on which they are established. It is in all these respects that it is necessary to consider them.
>
> It is what I undertake in this work. I will examine all these relations: they form all together what one calls The Spirit ("Esprit") of the Laws.

Used in this context, the word "esprit" is a puzzle. Just previously, Montesquieu had been speaking of the relations laws *should* have to each country's features. Law was human reason. Yet if the work is to concentrate on the laws dictated by reason, then why not entitle it "the reason (or intelligence) of the laws?" We have seen more than once, however, that Montesquieu wants also to explain actual laws, the actual histories of peoples, and of this further aim there are two indications in the passages at hand. One is the word "insofar" in the definition of law as human reason insofar as it governs all the peoples of the earth. This implies that powers other than reason have been at work in actual laws and suggests that it might be important to discover why this has been the case. The second indication occurs in the shift of terms used to describe the mode of the relations involved. At first the relations laws *should* have, then those they *must* have, *do* have (as in the quotation above) and finally *can* have are mentioned, the verbs altering for no obvious reason and seemingly without systematic intent. This could be Montesquieu's way of calling attention to the subject of the modes of desirability, necessity, historical actuality and possibility within the area of the relations of the laws as well as to the relations themselves.[33]

An inspection of the use of the term "esprit" within the work itself permits us to go a step further. It has a diversity of meanings. Almost all refer to some element of man's constitution: thus "esprit" as mind or intellect, as character, temperament or disposition, as spiritedness (a specific disposition), and even as animal spirits (certain bodily fluids). When the "esprit" of laws rather than of men is mentioned, it signifies their specific character or meaning in the context within which they exist.[34] The French language also permits "esprit" to apply (though Montesquieu did not so apply it) to the substance of God and to the Holy Ghost; thus in Book 1 the narrower terms "intelligence" or "reason" occur where "esprit" might appear appropriate. Significantly, the term "âme"—so crucial to the classical and medieval traditions—is not present in Book 1 at all.[35]

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[32] *Cf.* Aristotle, *Politics*, 1288 b 10–1289 a 9. As an example of Montesquieu's evaluations, see Bk. 4, chs. 2–6, and Bk. 11, ch. 8 (end); also *Pensées*, vol. 2, p. 321. Neumann agrees that Montesquieu is concerned with "the classic problem of the best government" (*op. cit.*, p. xxxiii). Shackleton finds an unresolved inconsistency in Montesquieu's preference for the regime of virtue *and* the regime of liberty. His counsel—that this inconsistency be explained in terms of the development of Montesquieu's thought and composition of the work—is founded on a failure to understand, among other things, the relevance of Book I's account of the state of nature (and of the formation of the political and civil state) for the determination of the ultimate political standard. See Robert Shackleton, "Montesquieu in 1948," *French Studies*, Oct. 1949, vol. 3, #4, p. 322.

[33] Of those Book titles which contain a verb, only Bks. 4, 5 and 26 bear one referring to relations that laws *ought* to have.

[34] See the Preface; Bk. 14, chs. 1, 2 (end) and 4; Bk. 19, chs. 4–6, 27 (end). For "esprit" used to signify a kind of excellence, *cf. Pensées*, vol. 2, p. 303; the *Essai sur le Goût* (*Laboulaye*, vol. 7, pp. 119–20; *Mélanges Inédits* (Bordeaux, G. Gounouilhou, 1892), p. 135.

What then does "esprit" convey in the title of the work? Let us bear in mind its various naturalistic levels of meaning with respect to the elements within man—levels which are not quite duplicated by its English cognate "spirit" taken in the same way. Something like intelligence or reason is only one level within "esprit." Temperament and disposition typify another and more physical level, and animal spirits still another and even more evidently physical level. Noticing this peculiar range of the term serves as a reminder of the three levels or facets of man's being specified at the end of chapter 1: "intelligent being," "sentient creature," and "physical being." Can the similarity of range be accidental, or is Montesquieu supplying a key to the kind of inquiry he is undertaking? In the latter case, studying the "esprit" of laws would mean studying the various elements of man's actual nature in their connection with laws as well as studying the sum of either the actual or most rational relations of the laws. And there is ample evidence that the work itself makes use of such an approach. Thus, for example, the Books on climate emphasize the manner in which external physical nature exercises an influence on the human body which in turn influences the passions and intellect of men; those on commerce and propagation center on the animal needs of men, and Book 19 on the variously-caused dispositions that compose the "esprit général" of a people. In short, there is reason to believe that the psychology and physiology of man, set within a wider natural philosophy, supply a continuing framework to Montesquieu's analysis. And to indicate these various ingredients of his concern, the word "esprit" was admirably chosen.[36]

III. CONCLUSION

Just because Book I is more revelatory of the whole than the other Books, it is also more dependent on the whole for its elucidation. For this reason alone, the present essay must be considered incomplete. A full account of Montesquieu's principles has not been given, nor has the manner of their presentation been explained in detail. Yet our motives for seeking further have been appreciably enhanced. Montesquieu has to be taken at his prefatory word: his seemingly disorderly work *is* the systematic embodiment of systematic reflection.

Why did he take such pains to veil his thoughts? Partly, no doubt, because their radical character would, as he correctly foresaw, expose himself and his book to the risks of persecution. But this could not be all. During this period of the Enlightenment in France, one did not run risks in praising natural philosophy as such, or its modern triumphs, yet Montesquieu notably abstains from doing so. And even a radically untraditional ethics could have been made more visible without such apprehension. D'Alembert's suggestion remains: the work was composed in such a way as to care for both the many unwise and the few wise. It was guided, then, not by the ideal of thoroughgoing enlightenment but by something like the classical principle of the divergence between the needs of society on the one hand and of philosophy, philosophers or truth on the other.

From the ancients Montesquieu also adopted the principle of statesmanship whereby political prescriptions are aimed at suiting the particularities of each society. Yet his application of classical principles is peculiarly modern. It is based on a modern cosmology, on a modern view of the tasks of philosophy, and on moral and political views more essentially akin to those of Machiavelli, Spinoza, Hobbes and Locke than to those of Plato and Aristotle. In general, he attempts at once to extend modern political philosophy and to make it more prudent. By virtue of this combination, in fact, *The Spirit of the Laws* may represent modern political philosophy at the height of its comprehensiveness and profundity. A subtle reflection unites its various components. Perhaps this reflection could not ultimately succeed: the modern world may have ignored its demand for prudence partly because that demand was coupled with imprudent modern principles. But we stand as inept judges of Montesquieu until his design has been discovered in the design of his work.

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[35] Contrast the absence of "âme" in the opening Book with its use in Bk. 24, chs. 19, 21.

[36] With significant alterations issuing from his own historical idealism, Hegel consciously adopted from Montesquieu the idea of the interrelatedness of all the facets of the life of a people—in his terms, of the "spirit" of a people. *Cf. Philosophy of Right* (Oxford, 1942), pp. 16, 17, and *Philosophy of History* (New York, P. F. Collier and Son, 1912), p. 95.

COMMUNICATIONS

ON ALBERT MAVRINAC'S PRESCRIPTIVE JUSTICE

To the Editor:

To one frequently confronted by criticisms of the *Brown* decision which treat the Fourteenth Amendment as if it did not exist (as indeed it does not seem to, in the minds of many of these critics), the surprise at finding much the same argument in Albert Mavrinac's comparison of *Lochner* and *Brown*, in the September, 1958, issue of this Review, was disturbing. It was highly satisfying, therefore, to read Professor Westin's commentary. Two points, I believe, deserve added emphasis, in the light of the "real-world context" of *Brown*.

First, Mavrinac refers often to due process, but it is a political due process, for which the test is "whether the individuals with a certain common facet of individuality can intervene in the political process." Under this definition, the Supreme Court could conceivably reject an appeal to due process on the grounds that the appellant had not been excluded from the political process which made the state laws and selected the state officials who convicted him. Such a reduction of the definition might seem unfair, except that with regard to equal protection (which phrase does not appear in his article), Mavrinac insists that in *Brown* the Court should have been satisfied with "full and free participation by representatives of negro groups in the bargaining process from which would issue the regulations governing operations." Social fluidity should have been its guide and goal. Yet, he says, a majority vote to take property from an economic group without compensation indicates "a permanent split in society and a contribution to the perpetuation of that split . . . (so that) the fluidity of the social process has in fact disappeared," even if the members of the group are not excluded from the process from which the vote issues. Why a majority vote excluding negroes as a group from many aspects of community life does not represent such a split, he does not make clear.

Second, Mavrinac says the Court has been guilty of expressing a moral judgment derived from an appreciation of man, thereby imposing a permanent pattern on what ought to be the free process of group adjustment through group pressures. It was the Fourteenth Amendment that did this, when it laid down the legal obligation for a pattern of equal protection within which the states were bound to operate. Under the federal constitution (as opposed to "the constitutional system" which he abstracts), this is a norm more fundamental than legislation, carrying all of the presumption "that the errant element really did agree directly or indirectly" which he notes in discussing the proper use of police power.

The tremendous power exercised by the Supreme Court in deciding that equal facilities were no longer equal protection is obvious. But to suggest that in reaching this decision the Court should have inquired, "What will best guarantee the maintainance of a fluid, unstructured social and economic order?", rather than, "What does the constitutional requirement of equal protection of the laws mean in this time and place?", and that it should have been led by this inquiry to accept equal participation in the law-making process as equal protection of any laws so made, is a novel departure in judicial activism, to say the least. Mavrinac attributes to the Court this wide latitude of decision, unhampered by any limitations placed on it by the equal protection clause in modern context, and he maintains that this discretion was wrongly used in an attempt to decree a right under natural law or sociological science on behalf of one interest group. He thus ends a very learned tour in a postion not far from many critics of the Court who either are unencumbered by any knowledge of the Fourteenth Amendment, or whose quarrel goes beyond the Court's interpretation of equal protection to challenge that concept itself.

James F. Davidson

The University of Tennessee

CONSTITUTIONAL ISSUES AND THE WARREN COURT

The present Supreme Court has been the target of criticism even more violent than that which was levelled at the "Nine Old Men" by Franklin D. Roosevelt some twenty years ago. In the 1930s, the New Dealers were charging judicial usurpation. Today things have changed and the cries of alarm are coming from the conservatives.

In the controversy over today's Court, the common basic premise, accepted by both sides, has been that the justices are carrying out a far-reaching liberal revolution in American constitutional law. Conservatives lament this state of affairs and liberals celebrate it. Both sides, however, agree on the factual situation: important new left-of-center constitutional doctrine is being fashioned by the Warren Court.

But this view of the "factual situation" is not at all in the realm of self-evident truth. As a matter of fact, careful examination of the cases indicates that the Court may be effecting no constitutional revolution at all, liberal or otherwise, and that its long-run influence on the course of American constitutional development may prove negligible.

People interested only in the results of particular cases can easily get the impression that a new era in constitutional interpretation has indeed begun. Decision after decision puts individual liberties above what purport to be the requirements of national security; meticulous solicitude is being shown for the rights of persons accused of crime; and big business cannot count on a push-over Court when it is charged with anti-trust violations.

But such a superficial reading of the cases can be misleading. The fact is that almost always the justices have chosen to base their decisions on narrow, more or less technical grounds. The result has been a spate of liberal decisions side by side with a dearth of liberal constitutional doctrine. Practically no important precedents have been set which cannot easily be overturned by future Courts or Congresses.

Some of the most widely publicized decisions, as a matter of fact, are those most susceptible to easy reversal. Take for example the case in which the Supreme Court scrapped the State Department's passport regulations. The Government had refused to issue the necessary travel documents to individuals whose "loyalty" it questioned, and without these the applicants could not leave this country. If the Court were interested in sparking a constitutional revolution, it could have voided these regulations on the ground that an American's right to travel is one of his constitutional liberties and as such cannot be abridged. Instead, the decision was merely that Congress had not authorized the Secretary of State to withhold passports on political grounds, and the door was left open for Congress to rectify this oversight with future legislation.

This has been the pattern in a considerable number of important Supreme Court cases. The Court has chosen to act on the basis of statutory construction rather than constitutional interpretation. This was the situation in:

Pennsylvania v. *Nelson*, in which the Court struck down all state sedition laws—not by declaring them unconstitutional, but rather by attributing to Congress an intention to preempt the entire field of anti-sedition legislation for the Federal government.

Yates v. *United States*, in which the Court emasculated the Smith Act—not by declaring it in violation of the First Amendment, but rather by divining that Congress had not meant to outlaw theoretical advocacy of forcible overthrow of the Government.

Mallory v. *United States*, in which the Court held that the pre-arraignment confession of an accused rapist was inadmissible in a Federal court—not because the Constitution guarantees prompt arraignment, but rather because the Federal Rules of Criminal Procedure (adopted by Congress and subject to revision by Congress) preclude "unnecessary delay" in bringing an accused before a magistrate.

Often the Court's desire to avoid constitutional issues leads to some obviously strained interpretations of what Congress really meant. Lawmakers are often hard put to recognize the legislative progeny they have spawned. The student of Supreme Court opinions sometimes feels that the justices are working just a little too hard to attribute to Congress ideas which could be traced with greater logic to the Bill of Rights.

Some justices on the Court do not insist on steering clear of constitutional issues. Foremost among these is Hugo L. Black. Soon after he joined the Court in 1937, Black tried to convince his colleagues that the constitutional gloss under which corporations are considered "persons" within the meaning of the Fourteenth Amendment should be ignored. He failed in this effort, as he did in his equally notable attempt to persuade the Court that, since the adoption of the Fourteenth Amendment, the entire Bill of Rights is applicable to protect individuals against the states and not just against the Federal government.

Black's eagerness to fashion some solid liberal constitutional doctrine runs directly counter to the view of Justice Felix Frankfurter that the Court should give constitutional questions a wide berth if it can manage to decide a case on any other basis. Since the four fairly consistently liberal justices—Chief Justice Earl Warren, William O. Douglas, William J. Brennan, Jr., and Black—are always in need of a fifth vote to control the Court's disposition of any case, they generally have to accommodate themselves to Frankfurter or to one of the other more conservative justices by abandoning the constitutional point and settling for a minor and often inconsequential issue as the basis for decision.

In the period during which Warren has been Chief Justice, the Court has been able to get away from Frankfurter's supremacy-of-Parliament views only once, when a five-man majority killed that part of the Nationality Act of 1940 which provided for the expatriation of any soldier who deserts in time of war and in consequence is dishonorably discharged. The opinion in this case effectively foreclosed any attempt by Congress to reverse the decision. The Court had found that the law violated the Constitution, and Congress cannot change the Constitution.

Congress, however, is usually not up against so impregnable a wall when it wants to alter what the Warren court has done. Simple legislation will suffice to reverse decisions based on mere statutory construction. That is why the 85th Congress came within a hair's breadth of toppling a whole series of Supreme Court decisions during the closing weeks of its second session.

Of course Congress would not necessarily have the last word if, say, it reversed the *Yates* decision and plainly declared its intention to ban theoretical advocacy, as well as incitement, of violent overthrow of the government. For the Court could then rule that such outlawry was at war with the First Amendment.

But it is precisely from this sort of constitutional holding that the Warren court shies away. And its failure to deal promptly with the underlying constitutional questions often means that individual litigants, at their own risk and expense, must return to court over and over again to vindicate a right apparently assured them by the Constitution.

What all this means is that the present Supreme Court may look quite different in future years than it does today. To us the Court looks like a courageous fighter battling Congress, the President, and often public opinion as well to restore individual freedoms to the preferred constitutional position they were meant to occupy when the Bill of Rights was adopted. To posterity the Court, its decisions reversed or weakened as a result of Congressional action or changes of personnel, may look like one that missed a great historical chance. Students in the future may bemoan the pity of it all: that a Court essentially liberal in its orientation has felt obliged to pencil its views on Corrasable Bond instead of engraving them indelibly on the American Constitution.

DANIEL M. BERMAN

Washington College

TO THE EDITOR:

Gerhard Loewenberg's article, "The British Constitution and the Structure of the Labour Party" (September, 1958) rests upon a misleading half-truth.

This is his assertion that the shift in the distribution of power within the Labour Party since 1945 "occurred under the influence of the operation of the British Constitutional system" (p. 790). In fact, the maintenance of strong leadership within the Labour Party from 1945–50, had not one major cause but three: (1) the strength the British constitutional system gives senior cabinet ministers in relation to their Parliamentary supporters; (2) the consensus within the Party leadership as to the ends and means of political action; and (3) the harmony between leading personalities within the Labour movement. It was not a sudden alteration in the British constitution that produced the internal Party upheaval in 1951, with its consequent continuing effects upon the structure of power and influence within the Party, but the formation of a political splinter group—the Bevanites.

Loewenberg's avoidance of political factors has led him to make misstatements of fact. The most significant is his claim that "Attlee's unprecedented and unchallenged twenty-year period as leader demonstrated the reality of the leader's tenure" (pp. 781–2). Anyone familiar with biographies or memoirs of Dalton, Laski and Bevin will recall that Attlee was challenged by *sub rosa* scheming in 1939, in 1945 and in 1947, as well as being subject to overt attacks in 1935 and by the Bevanites from 1951. Furthermore, Loewenberg here confuses holding the Leadership with holding power. Atlee was renamed Leader in November, 1935 as a weak compromise candidate to hold the post until the conflict between Herbert Morrison and Arthur Greenwood could be decisively resolved. His weakness made him the spokesman of rank-and-file opinon rather than its leader. Hence, the contrast in his statements before the war and after it, when he was a power in his own right.

In the post-1945 Labour Government, Attlee was as much manager as leader. The consitutional prerogatives of office could not have maintained him without additional support. First, there was a consensus as to aims within the leadership and the mass membership. In its decades of opposition the Party had evolved a clear domestic program. This the Government fulfilled between 1945 and 1949. Very little leadership was required to secure support for nationalizing the mines, establishing a health service, and maintaining full employment. Second, this consensus kept together in harmony the senior ministers with independent positions of power within the Labour movement—Bevin, the trade unionist; Morrison, the Party organizer; and Cripps, the charismatic national figure. (Parallel leaders in the Trades Union Congress similarly supported the Government). To suggest as Loewenberg does that Attlee was a powerful autocrat because Cabinet decisions were not made by majority vote (pp. 776–7) is an oversimplification. Bevin was very largely the initiator and determiner of foreign policy. Attlee tended to follow where the trade unionist led, and relied upon Bevin's personal following to secure support for a policy often unpopular within the Party. Cripps and Morrison also had considerable power in their own fields. Only through such delegation of decision-making and responsibility could harmony be maintained, and a large legislative program be put through.

Loewenberg's analysis fails completely to fit the fact of the Bevanite movement. The preceding analysis does fit, for it follows that if a consensus of aims disappears and the harmony of senior leaders is lost, then the Leader of the Labour Party is in a precarious position. This occurred in 1951. Within the leadership there was disagreement as to the nature of the second-five-year plan. The Bevanite group wished for more nationalization, etc., and the right-wing, which carried the day, preferred consolidation of reforms. Age was taking a toll of senior leadership. Cripps and Ernest Bevin were both gone before Bevan resigned, Attlee was sick and Morrison isolated and overburdened at the Foreign Office. The replacement of Cripps, who acted as a restraining harness upon Aneurin Bevan, by Hugh Gaitskell, who acted instead as a red flag to the Welshman, added a conflict in ambitions and personality to existing policy differences. The two conflicts merged in the quarrel over the charges on the health service, a part of the rearmament budget of 1951. This spark of conflict ignited a fire which has not yet burned out.

Since that time the Labour Party has been without a monolithic leadership, the British constitution notwithstanding, although the eviction of Labour from office in October, 1951 (partly due to the power of a resigning minister in checking his Prime Minister), undoubtedly was a handicap. Attlee and his associates carried German rearmament at the 1954 Annual Conference by mobilizing support among the trade unions, rather than by appealing to MPs and rank-and-file with promises of future office. Gaitskell's election to the leadership in 1955 was a tribute to the political burdens he had borne in the bitter conflict since 1951, not to his short and hardly happy twelve-month's performance in the Cabinet. Loewenberg's preoccupation with formal functions makes him see as a triumph the present Leader's naming of Aneurin Bevan as shadow foreign secretary (p. 776). In point of fact, this was not an act of feudal conquest, but of conciliation. Gaitskell, as Leader, by definition has the support of the majority: the gesture to Bevan, which secures him a position second only to the Leader, was designed to convert the Bevanites into a concurring minority. A price was paid by both groups. The challenge to the leadership has been crushed and dissidents are now leaderless; simultaneously, the Leader has surrounded himself with two of his strongest enemies, Harold Wilson and Aneurin Bevan, made them his number two and number three men, and given both an influence on policy-making. Loewenberg sees this compromise as promoting the control of "a new Leader around whose moderate views the Party in opposition could be reunited" (p. 782). In fact, as one would expect from the compromises forced upon Gaitskell by his relatively weak majority, the present Party policy is partly moderate, partly left and partly a compromise. For instance, Gaitskell's new line in foreign policy, advocating disarmament of Germany, is hardly more than Bevan's old left-wing line in a new wrapping. The Party's commitment to municipalize housing is certainly a left-wing commitment. On the other hand, of course, Gaitskell's moderate imprint is stamped upon party policy on industrial ownership and education. On other issues, such as the hydrogen bomb, a compromise has been struck between diverging views within the Party. No doubt Gaitskell would like to believe in Loewenberg's picture of the Labour Party, especially that for the Party since 1951, but neither he, nor any other close observer of British politics can do so without these major qualifications. This is because the bare bones of the constitution require the flesh and blood of ideas and personality if they are to have life, and a Party out of office (as the Labour Party normally is) lives immediately upon these ideas and personalities, and not upon the skeleton of Government.

RICHARD ROSE

Nuffield College, Oxford

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BIBLIOGRAPHICAL ARTICLE

GOVERNMENT, ADMINISTRATION, AND POLITICS IN EAST GERMANY: A SELECTED BIBLIOGRAPHY[1]

JOHN BROWN MASON
Georgetown University

Research on the Soviet Zone of Germany, the Soviet Sector of Berlin, and the German Democratic Republic is difficult for a number of reasons. In the face of the steadily increasing importance of governmental and political developments in *Mitteldeutschland*—as the Germans call the area—no monographs are available in English and only a slowly increasing number of documented studies in German. Only two West German research institutes appear to sponsor concentrated research work on the SBZ,[2] East Berlin, and the DDR, though their population includes some seventeen million people separated from the main stream of German life. They are the Institut für politische Wissenschaft at the Free University in Berlin and the Archiv für Gesamtdeutsche Fragen in Bonn. DDR scholars are conscious of the occupational hazards of social scientists in Communist-controlled regimes and are not very productive of publications. Mainly condemnatory or laudatory publications are numerous on both sides of the ideological border. They have to be used with caution, though some of them include valuable information or insights. There are useful periodicals in both camps, but in West Germany the articles are for the most part widely scattered. Bibliographies are scarce, fragmentary, and mostly outdated. The East German source material available to the Western scholar is largely of the formal type: the texts of constitutions, laws, decrees, and speeches. In addition, of course, the student of *Mitteldeutschland* has to master Communist terminology, which adds complications to the German language happily unknown to Mark Twain. He also has to keep track of changing party lines and the fluctuating fortunes of government and political leaders.

I. MILITARY GOVERNMENT

Documentation. The orders and decrees issued by the Military Government of the Soviet Zone of Occupation (SMAD) have been published only in part: *Befehle des Obersten Chefs der Sowjetischen Militärverwaltung in Deutschland* (Berlin), Sammelhefte 1/1945 and 2/(June) 1946 (twenty-two *Befehle* out of some two hundred issued during this period, also some proclamations). No complete collection has been published and it should be noted that SMAD did not publish a gazette. Most *Befehle* were made known only to the Germans immediately concerned with their execution. There exists no official German text and some texts suffer from faulty translation. Some were published only in part, many only in mimeographed form, others not at all. Some have identical numbers though issued in different years. The Bonn Archiv für Gesamtdeutsche Fragen has a collection of more than two hundred *Befehle*, issued between 1945 and 1949, when the DDR was established, which it believes to comprise the large majority of the published *Befehle*.[3] A few *Befehle* are published in Beate Ruhm von Oppen (ed.), *Documents on the Occupation of Germany, 1945–1954* (London, 1955) and in Johannes Hohlfeld, *Dokumente der deutschen Politik und Geschichte von 1848 bis zur Gegenwart*, vol. VI (Berlin, 1952); both these collections also contain other SBZ documents.

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[1] Many references listed in John Brown Mason, "Government, Administration, and Politics in West Germany: A Selected Bibliography," this REVIEW, LII (1958), 513–530, deal with both West and East Germany; they are not repeated here except in a few special cases.

Appreciation is due to many correspondents, especially in Germany, for assistance in gathering information contained in the present article.

[2] Abbreviations used throughout this article are: SBZ—Sowjetische Besatzungszone; DDR—Deutsche Demokratische Republik; SED—Sozialistische Einheitspartei.

Some *Befehle* were published in the *Zentralverwaltungsblatt* and the *Regierungsblatt für das Land Thüringen* (see II, 6, *Official Gazettes*, below).

Unpublished records pertaining to the SBZ and East Berlin include Allied Control Authority Coordinating Committee, *Minutes of Meetings, Directives and Regulations*, and Inter-Allied Kommandatura, *Minutes of Meetings, Directives and Regulations;* both sets of documents are in the U.S. Army Historical Records, Alexandria, Virginia.

II. THE SOVIET ZONE AND THE GERMAN DEMOCRATIC REPUBLIC

1. *General Works*. Most studies on the SBZ and the DDR overlap; they are, therefore, grouped together.

J. P. Nettl, *The Eastern Zone and Soviet Policy in Germany, 1945–50* (London, 1951), published in German as *Die deutsche Sowjetzone bis Heute* (Frankfurt/Main, 1953), is an objective analysis, by an Oxford historian, of Soviet economic and political policy in the SBZ during the first phase of the occupation (this policy changed later). It includes a sketch of the reconstruction of government and administration under Soviet direction and an evaluation of the early role of the SED. The German edition carries developments forward to 1952 but the additional treatment is more superficial. Unfortunately, it also perpetuates the numerous factual errors that marred the English edition. In spite of these faults, the book is still indispensable. Richard Lucas, *Zehn Jahre Sowjetische Besatzungszone Deutschlands* (Mainz, 1955) contains chapters on political developments from 1945 to 1954, political parties and mass organizations, the economy, cultural policies, and the administration of justice. It includes a good deal of documentary material not available elsewhere and is very useful. Horst Duhnke, *Stalinismus in Deutschland, Die Geschichte der Sowjetischen Besatzungszone* (Cologne, 1955) is an objective report on zonal developments, stressing the domestic political aspects, though some attention is paid to economic matters and war-time Allied foreign policies toward Germany. The extensive documentation is valuable and based on both East and West German as well as British and American sources; there is no index or bibliography. A shorter version of the book is available in English in the form of a 1952 A.M. thesis written for the University of California (Berkeley), "The Sovietization of East Germany." Georges Castellan *et al.*, *D.D.R.: Allemagne de l'Est* (Paris, 1955) is, on the whole, a first-class study by specialists on Germany, dealing with the establishment of the SBZ and Soviet policy, Marxist ideology, the development of a new bureaucracy, political parties, economic production, social classes, the court system, education and culture, and the churches. It gives much factual information and has an excellent annotated bibliography. Robert Slusser (ed.), *Soviet Economic Policy in Postwar Germany* (New York, 1953), written by (Russian) former members of the Soviet occupation authorities for the Research Program on the USSR headed by Philip E. Mosely, is a very useful study dealing with Soviet economic methods in the SBZ from 1945 to 1949, including confiscations, dismantling, permitted looting, organization of foreign trade, agriculture, etc.; Section II deals with "The Administrative Organization of Soviet Control, 1945–1948." George Sherman, "The Russians and the East German Party (Prelude to June 17th 1953)" in *Soviet Affairs*, London, St. Anthony's Papers No. 1, pp. 85–124, is a condensed version of the author's Oxford University B.L. thesis on "Soviet Policy and Eastern Germany" for the period 1945–53. Wolfgang Leonhardt, *Child of the Revolution* (Chicago, 1958) is important. The author, a Moscow-trained young German Communist (now a refugee in West Germany), flew to Berlin as a member of the "Ulbrecht group" chosen to assist the Soviet military authorities in establishing communism in the SBZ. He describes their activities in May, 1945, and pictures the mentality of Communist party school graduates. Gordon Schaffer, *Russian Zone* (London, 1947) was written by a journalist and admirer of the SBZ regime. Werner Knop, *Prowling in the Forbidden Zone* (New York, 1949) is critical. Fritz Löwenthal, *News from the Soviet Zone* (London, 1950) is by an ex-Communist, once of high rank in the Central Administration of Justice in the DDR; much useful information is combined with personal comment. Gregory Klimow, *The Terror Machine* (New York, 1953) is by a defected Soviet Zone Military Government officer; he comments strongly on Soviet military bureaucracy and occupation policy. Christian Wullfen, *Mitteldeutsches Tagebuch* (Esslingen, 1955) depicts the grey colors of everyday life in the SBZ and points to lack of understanding and interest on the part of West Germans.

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[3] A typewritten list of these *Befehle*—numbers and years only—has been deposited by the writer in the Library of Congress and the Hoover Institution on War, Revolution, and Peace at Stanford University.

The monograph of the Human Relations Area Files, Inc., under the general editorship of Carl J. Friedrich, *The Soviet Zone of Germany* (New Haven [1956]) provides a good, general, undocumented introduction to the constitutional, governmental, judicial, and administrative system and its control by the SED, the mass organizations, elections, plebiscites, etc., as well as various other aspects of life in the SBZ. The bibliography for the governmental and political sections is good on West German periodicals.

2. *Special Studies.* The Bonn government has published a long list of governmental, political, legal, economic, and cultural studies of the SBZ and DDR

and continually brings out new titles. For a complete list see **Veröffentlichungen des Bundesministeriums für Gesamtdeutsche Fragen* (Bonn, published periodically)[4]; publications which are out of print are dropped from the latest list. Among these publications are the *Denkschriften und dokumentarische Zusammenstellungen,* including, e.g., **Die Wahlen in der Sowjetzone, Dokumente und Materialen* (1956), which combines three earlier publications on the subject. Another series, *Bonner Berichte aus Mittel- und Ostdeutschland,* deals with specialized topics.

3. *Reference Works:* a) *West German.* Fritz Kopp (ed.), **SBZ von 1945 bis 1954: Die Sowjetische Besatzungszone in den Jahren 1945–1954* (1956) succeeds the 1953 pamphlet, **Die Sowjetische Besatzungszone Deutschlands in den Jahren 1945–1953,* which confined itself to political events. This very useful revised edition—a large volume—covers in chronological order all types of developments in the SBZ. There are an excellent index, a list of the numerous abbreviations used in SBZ publications, maps, and charts. F. Kopp and G. Fischbach edited the supplementary volume, **SBZ von 1955 bis 1956* (1957). E. Stamm, **SBZ von A bis Z, Ein Taschen- und Nachschlagebuch über die Sowjetische Besatzungszone Deutschlands* (3rd ed., 1956) is a concise encyclopedia in (king size) pocket book form with much information on the government, laws, administration, politics, culture, etc., of the SBZ; it also serves as guide to the official Communist jargon of the DDR; there is a bibliography. *Wer ist Wer in der SBZ? Ein biographisches Handbuch* (Berlin, 1958) is a Who's Who of prominent persons in the SBZ and East Berlin, based on data gathered by the Investigating Committee of Free Jurists and other sources. Inclusion in the volume implies no political or other evaluation. Though, admittedly, the book may contain mistakes, it constitutes an indispensable reference. The (unsigned) *Argumente und Zitate aus sowjetischen und sowjetdeutschen Quellen* (Bonn, 1953) contains numerous quotations on political questions from Soviet and especially SBZ publications, cross-referenced; it provides useful leads for further exploration.

Klaus Mehnert and Heinrich Schulte (eds.), *Deutschland Jahrbuch* (Essen, 1949, 1953) provides detailed information on all aspects of German government, parties, politics, justice, labor, cultural life, etc., in both parts of Germany; also many biographical data, charts, statistics, a map, and an index. The first volume contains much valuable information for the earlier years, omitted in the second edition. Legal references are found in Alfred Dehlinger, *Deutsches Recht seit 1867, Bundes-, Ostzonen-, Reichs-, Berliner und Besatzungsrecht und völkerrechtliche Verträge* (Stuttgart, 28th ed., 1955). See also *Statistical Handbook on Potsdam Germany* (Berlin, OMGUS, 1947) and *Elections and Political Parties in Germany, 1945–52* (Frankfurt, HICOG, 1952), which are American government publications.

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[4] All publications of this Ministry listed in this article are marked with an asterisk; they are furnished free by the Ministry if intended for study purposes.

b) *East German.*[5] On the Communist side there are *250 Fragen—250 Antworten über die DDR* (Düsseldorf, 5th ed., 1954), published by the (former) Communist Party of West Germany, which, of course, takes the DDR line, and *DDR, 300 Fragen, 300 Antworten* (1958); *Handbuch der Volkskammer der DDR* (1957); and the *Jahrbuch der DDR* (1956, 1957), published by the Deutsches Institut für Zeitgeschichte. The *Statistisches Jahrbuch der DDR* has been published since 1956. It contains political (including election and plebiscite) data, economic, vital, demographic, social, etc., statistics. The *Taschenbuch 1953 "Das Wirtschaftsjahr"* (new ed., 1956) contains data on all ministries and other DDR government agencies. A loose-leaf *Karteibuch der Gesetze der DDR* (Weimar, 1950) is now out of print; supplements, with index, are published bi-weekly in East Berlin; it contains decrees as well as laws. There is also an alphabetical index to laws, *Gesetze finden leicht gemacht*, for the period 1949–54, with a supplement covering 1955 and the first half of 1956. The *Merkbuch für die Mitarbeiter der staatlichen Organe* (1953) contains the names and addresses of official agencies and of mass organizations. For election laws, see H. Engelbert, *Das Wahlrecht der sozialistischen Staaten Europas* (1958). *Geschichtliche Zeittafeln, 1945–53*, published by the Institut für Zeitgeschichte (1954), is a chronology of events selected from the DDR angle.

4. *Constitutions and Constitutional Law:* a) *American Publications. Constitutions of the German Länder* (Berlin, OMGUS, 1947) includes the constitutions of the former *Länder* of the SBZ; see also *Government and Administration in the Soviet Zone* (Berlin, OMGUS, 1947); *Soviet Zone Constitution and Electoral Law* (texts in German and English) (Frankfurt/Main, HICOG, 1951); and *Constitutional Developments in the Soviet Zone* (Frankfurt, HICOG, 1949). Harold O. Lewis, *New Constitutions in Occupied Germany* (Washington, D. C., 1948) provides the only comparison of SBZ constitutions with one another.

Writings in this field by American publicists are rare. See a chapter by Kurt Glaser on "Governments of Soviet Germany" in Edward H. Litchfield *et al.*, *Governing Post-War Germany* (Ithaca, N.Y., 1953); Otto Kirchheimer, "The Governments of Eastern Germany," in Hans J. Morgenthau *et al.*, *Germany and the Future of Germany* (Chicago, 1951); and two short chapters in Joachim G. Joesten, *Germany: What Now?* (Chicago, 1948). Two textbook treatments are, therefore, still indispensable: by Karl Loewenstein in James T. Shotwell (ed.), *Governments of Continental Europe* (New York, rev. ed., 1952) and by John H. Hertz in Gwendolyn M. Carter, John H. Hertz, and John C. Ranney, *Major Foreign Powers* (New York, 3rd ed., 1957).

b) *West German Publications.* Ernst Rudolf Huber, *Quellen zum Staatsrecht der Neuzeit*, vol. II, *Deutsche Verfassungsdokumente der Gegenwart* (*1919–1951*) (Tübingen, 1951) contains the texts of the constitutions of the DDR and the five *Länder* of the SBZ, also of the provisional constitution of Greater Berlin

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[5] All East German publications, including newspapers and periodicals, are published in Berlin unless otherwise indicated.

(1946). Martin Drath, **Verfassungsrecht und Verfassungswirklichkeit in der Sowjetischen Besatzungszone Deutschlands, Untersuchungen über Legalität, Loyalität und Legitimität* (Bonn, 4th ed., 1956) is an excellent study by a Judge on the West German Federal Constitutional Court. An unsigned work, **Schein und Wirklichkeit, Die Verfassung der "Deutschen Demokratischen Republik" und was dahinter steht* (Bonn, 4th ed., 1957) is helpful.

Ernst Richert, *Macht ohne Mandat, Der Staatsapparat in der Sowjetischen Besatzungszone Deutschlands* (Cologne, 1958), one of the studies sponsored by the Institut für politische Wissenschaft at the Free University in Berlin, is a scholarly and comprehensive study of the legislative and executive branches of the government of the DDR and of the role of the SED as the controlling and directing power behind it; Judge Drath wrote a pertinent introduction, "Totalitarismus in der Volksdemokratie."

Aspects of constitutional law are covered incidentally in many publications on public, criminal, and civil law. For a bibliography on this subject, see a compilation by the editors of *Osteuropa Recht*, "Westliches Schrifttum zum Recht der Deutschen Demokratischen Republik," in its October, 1956, issue. It includes the publications of the Investigating Committee of Free Jurists, which castigates the political administration of justice in the DDR. Bert Dirnecker, *Recht in Ost und West* (Pfaffenhofen/Ilm, 1955) compares basic Western legal principles with those of Communist-directed law; two chapters deal with the legal situation in the SBZ.

c) *East German Publications.* Publicists on the DDR side of divided Germany have published little in the field of constitutional law. The volume *Staat und Recht im Lichte des Grossen Oktober, Festschrift zum 40. Jahrestag der Grossen Oktoberrevolution* (1957) contains contributions by Walter Ulbricht and Hilde Benjamin, but also substantial chapters by prominent professors of law. The *Festschrift für Erwin Jacobi* (1958) has scholarly qualities and is necessary for an understanding of the basic constitutional and administrative-law principles that govern the DDR.

Günter Albrecht has edited *Zur gesellschaftlichen und staatlichen Entwicklung und zum Staatsaufbau in der DDR—Materialsammlung* (1954) and *Dokumente zur Staatsordnung der DDR* (rev. ed., 1958). The Deutsches Institut für Zeitgeschichte has published *Dokumente zur Deutschlandpolitik der Sowjetunion*, of which vol. I (1957) covers the period from the Potsdam Agreement to the establishment of the sovereignty of the DDR by the Soviet Union in 1954; also *Dokumente zur Aussenpolitik der Regierung der DDR*, 4 vols. (1954–57), which range from the establishment of the DDR in 1949 to 1956. See also *Zur ökonomischen Politik der SED und der Regierung der DDR* (1955), a compilation of party decisions and government laws and regulations. H. U. Hochbaum, *Staats- und verwaltungsrechtliche Gesetze der DDR* (1958) provides texts with commentary and index. See also Karl Steinhoff, *Die demokratischen Verfassungsgesetze nebst Wahlordnungen* (1947); *Die Verfassung der DDR* (1949); and *Gesetzgebung und Rechtsentwicklung im Lande Thüringen* (1947); also Karl Schultes, *Der Aufbau der Landesverfassungen in der Sowjetischen Besatzungszone* (1948). Supreme Court decisions are published under the title, *Entscheidungen des Obersten Gerichts der DDR,* in two editions: *Entscheidungen in Strafsachen,* 4 vols., and *Entscheidungen in Zivilsachen,* 5 vols. There is useful information in the biweekly *Rechtswissenschaftlicher Informationsdienst* published by the Deutsches Institut für Rechtswissenschaft.

The files of the central government agencies of the SBZ and the DDR are deposited in the Deutsches Zentralarchiv Postdam, which has published *Übersicht über die Bestände des Deutschen Zentralarchivs,* covering the archives taken over from the former Reichsarchiv. Inasmuch as this is the first issue of the *Schriftenreihe des Deutschen Zentralarchivs* (1957), researchers should look for new issues in this series, even though the prospects for research in the Zentralarchiv are red rather than rosy.

5. *Public Administration.* Both West and East German publicists have been slow in venturing into this research area. The first West German monograph is Harry Goetz, *Gemeinden und Gemeindeverbände in der Deutschen Demokratischen Republik,* published in Berlin in March, 1959, covering legal developments up to the very end of 1958. It had been preceded by the unsigned *Die "Verwaltungsreform" in der Sowjetzone* (Bonn, Sopade Informationsdienst, No. 46, mimeo., 1953?), which provides a short summary of developments and reprints the text of some twenty laws and regulations. Because of its basic character, "Der öffentliche Dienst in der Sowjetzone," *Deutsche Beamtenzeitung* (May, 1956) by Senatspräsident R. Helmut Külz of the Federal Administrative Court, is a noteworthy article.

Significantly, the first East German book on administrative law was not published until 1957 (a second edition has been announced as in preparation) and then, reportedly, it followed exactly, except for omitting one chapter, the model of the German translation of S. S. Studenikin *et al., Soviet Administrative Law;* it is K. Bönninger (ed.), *Das Verwaltungsrecht der DDR,* Part I (Part II has not yet appeared). Other material is found in the periodical, *Demokratischer Aufbau* (for public employees; *"Beamte"* do not exist in the DDR). The Institut für Rechtswissenschaft publishes a series, mostly booklets, called *Staatsrecht und Verwaltungsrecht,* which includes a few items on the DDR.

6. *Official Gazettes.* The most important gazettes are the *Zentralverordnungsblatt* (1947–49) published irregularly by the Deutsche Justizverwaltung of the SBZ for all central administrative agencies; the *Ministerialblatt* (1949–52); the *Zentralblatt der DDR* (1953–), published "as needed" by the Chancellery of the DDR, containing proclamations, official announcements, and other documents, largely of an economic-legal nature; and the *Verordnungsblatt für Gross-Berlin* (1945–), published as needed and since 1948 in two parts: Part I contains the text of laws, regulations, decrees, etc., and Part II contains public notices of the Magistrat and other administrative organs and other public-law documents. In the *Gesetzblatt der DDR* (1949–; two parts since 1955), Part I contains the text of laws, decrees, and regulations; Part II, the text of other regulations, directives, etc. The *Stichwortverzeichnis, Gesetzblatt-Ministerialblatt-Zentralblatt, 1949–1954,* and the *Stichwortverzeichnis Verordnungsblatt für Gross-Berlin, 1945–*

1955, are index volumes for these gazettes. There are also the *Verfügungen des Ministeriums für Arbeit und Berufsausbildung* (monthly), the *Verfügungen und Mitteilungen des Ministeriums für Aufbau* (Bernburg, about every two months), and the *Verfügungen und Mitteilungen des Ministeriums für Volksbildung* (Dresden, about every two or three months). The two last named gazettes are for official subscribers only, as are the gazettes of the ministries of Commerce, Agriculture, Food Industries, and the state secretariat for Local Economy; for their names see the 1958 *Postzeitungsliste* (II, 7, a, below) under *Verfügungen;* the 1959 edition does not list all of them. The bi-weekly *Deutsche Finanzwissenschaft, Zeitschrift für das gesamte Finanzwesen* publishes the official releases of the Ministry of Finance. Of its four editions specializing in various aspects of finance, one is called *Staatshaushalt.*

The minutes of the parliament(s) in the DDR are contained in *Provisorische Länderkammer der DDR, Sitzungsberichte* (1949–50), later called *Länderkammer der DDR, Sitzungsberichte* (1950–57), and *Provisorische Volkskammer der DDR, Sitzungsberichte* (1949–50), now known as *Volkskammer der DDR*: Part I, *Sitzungsberichte* (containing statements of government spokesmen as well as speeches from the floor); Part II, *Drucksachensammlung* (texts of bills and motions, lists of petitions, etc); Part III, *Stichwortverzeichnis* (the index for Parts I and II).

Various statistics are found in the *Vierteljahrshefte zur Statistik der DDR,* (1957–) published by the Staatliche Zentralverwaltung für Statistik, and the *Statistische Jahresberichte* (1956–), giving data for each of fourteen districts, not including (despite published notices) the Soviet Sector of Berlin.

The gazettes of the five former *Länder* in the DDR include: forBrandenburg, *Gesetz- und Verordnungsblatt* (1945–52): Part I, *Gesetzessammlung,* and Part II, *Amtsblatt; Stenographische Berichte des Landtages* (1946–52); *Drucksachen des Landtages* (1946–52); for Mecklenburg, *Regierungsblatt der Landesregierung von Mecklenburg-Vorpommern* (1946–52); *Sitzungsberichte* and *Drucksachen* of the Landtag (1946–52); for Saxony, *Gesetz- und Verordnungsblatt Land Sachsen* (1945–52); *Sitzungsprotokolle des Sächsischen Landtags; Anfragen, Gesetzesvorlagen und Anträge des Sächsischen Landtags; Beschlüsse des Plenums; Berichte der Landesregierung* (1947–50); for Saxe-Anhalt, *Gesetzblatt des Landes Sachsen-Anhalt* (1945–52); *Gesetzblatt des Landes Sachsen-Anhalt, Amtsblatt; Verhandlungen des Landtags* (1946–52); *Drucksachen des Landtags* (1946–52); for Thuringia, *Regierungsblatt für Thüringen* (1945–52): Part I, *Gesetzessammlung,* Part II, *Amtsblatt,* and Part III, *Gesetze und Befehle des Allierten Kontrollrats und Befehle der Sowjet Militär-Administration; Stenographische Berichte über die Sitzungen des Thüringer Landtags* (1946–52); *Landtags-Drucksachen des Thüringer Landtags, Abteilung II.*

7. *The Press.* All newspapers and periodicals are under the close control of the SED, including the "bourgeois"-camouflaged dailies and the denominational weeklies (*Kirchenblätter*). In 1955, the SED reportedly owned or otherwise controlled directly seventy-five per cent of the daily newspaper circulation. All newspapers have to follow the directives of the Press Office of the Minister

President (*Presseamt beim Ministerpräsident*), which are backed by arrests, expropriations, or the loss of, or cuts in, newsprint allotments. Slight differences among non-SED papers are cultivated by the SED, which desires to appeal more effectively to some population groups by allowing the surface appearance of a non-Communist press. Control is facilitated by the small number of dailies and periodicals in existence, compared with those in West Germany. However, patient perusal of the provincial press, SED or other, does result in occasional bits of additional information of a local or regional character. *Kirchenblätter* are forced to publish certain news items and canned articles that depart from their own religious principles, but they are allowed to comment on them editorially, subject to the increasing threat of the wholesale confiscation of entire issues. Unlike the dailies published by the non-SED political parties, the denominational publications exist, not because of an SED policy of using them to influence the many who are still non-Communist, but rather because the regime is not yet strong enough to suppress them without serious consequences to the efficacy of its rule.

A very good introduction to the press and periodicals of the SBZ is found in an unsigned chapter, "Die Presse der Sowjetischen Besatzungszone," in E. Dovifat (ed.), *Die deutsche Presse 1956* (Berlin, 1956; published for the Institute of Journalism at the Free University; new edition scheduled for 1959), pp. 84–99. This essay on the characteristics of the SBZ press and its controlled contents is carefully documented and based primarily on SBZ sources. Much of value is found in the earlier mimeographed volume, unsigned, *Die Presse in der Sowjetischen Besatzungszone* (Bonn, 1955?), in the meritorious monograph series, *Sopade Informationsdienst*, published by the Social Democratic Party of West Germany; also in E. M. Hermann, *Die Presse in der Sowjetischen Besatzungszone* (Bonn, 2d ed., 1957). See also the *Handbuch der demokratischen Presse* (East Berlin, 1956), which offers little information besides the names and addresses of all newspapers and periodicals, as of 1955, the names and addresses of ministries and other government agencies, scientific institutes, universities, colleges, and trade unions, and a bibliography on journalism.

a) *The Communist Press.* The *Tägliche Rundschau—Zeitung für Politik, Wirtschaft und Kultur* (May 15, 1945–June 30, 1955) was the first newspaper published in post-war Berlin. It was the organ of the Soviet Military Administration and originally had the sub-title *Zeitung der Roten Armee in Berlin.* It was originally published six times a week, Tuesday to Sunday, in two editions: I, for the SBZ, later the DDR; II, for Berlin. From 1951 to 1955 it also had a Monday edition, *Rundschau am Montag.* The *Deutsche Volkszeitung, Zentralorgan der KPD* existed from June 13, 1945 to April 23, 1946, when it was "merged" (actually abolished) with the SED daily *Das Volk* (1945–46). Their successor, *Neues Deutschland,* is the *Zentralorgan der SED,* subject directly to the party's Central Committee. It has existed since April 23, 1946, the date of the establishment of the SED, and is both an imitation of the party organ *Pravda* and an obligatory model for editorial policy for the entire SED press, which has an estimated total circulation of 2,000,000, of which *Neues Deutschland* claims

400,000 (1957). At one time it was published in three editions, one each for the SBZ, Berlin, and West Germany. Its Monday edition, *Vorwärts—Montagsausgabe Neues Deutschland*, concentrates on sports; it had been an independent paper called *Vorwärts—Berliner Volksblatt* (from April 12, 1946 through 1949).

The SED also publishes a number of party district organs outside Berlin, under various names and in a number of local editions. Examples are *Freie Erde* (for fourteen small towns in the Berlin area), *Ostsee-Zeitung* (thirteen local editions), and *Mitteldeutsche Tageszeitung "Freiheit"* (twenty-two editions). A complete list, both alphabetically and by subject-matter, of these and all other newspapers and periodicals "available to subscribers" is found in the *Postzeitungsliste für die DDR und den Demokratischen Sektor von Berlin* (Part I), published annually by the Ministry of Posts and Telecommunication (Part II of this publication has not been available to this writer).

b) *The Non-SED Press.* The leading daily papers published by the non-SED political parties are (not in order of importance): *Bauern Echo* (Democratic Peasants Party), published in Berlin in eleven district editions; *Der Morgen* (Liberal-Democratic Party), Berlin, three district editions; *National-Zeitung* (National Democratic Party), for Berlin; *Neue Zeit* (Christian Democratic Union), Berlin and Germany editions, plus four other papers, with fifteen editions. There are also other newspapers not affiliated with any political party, such as the *Berliner Zeitung*, the most important of the dailies not expressly designated organs of the SED, and, with varying numbers of local editions, *Freies Wort* (Thuringia), *Norddeutsche Zeitung* (Mecklenburg), *Sächsische Zeitung* (Saxony), etc.

8. *Periodicals:* a) *West German.* The bi-weekly mimeographed *PZ-Archiv* was published 1950–52 by the Publizistisches Zentrum für die Einheit Deutschlands in cooperation with the Kampfgruppe gegen die Unmenschlichkeit and the Europäischer Informationsdienst. It was succeeded by the *SBZ Archiv, Dokumente, Berichte, Kommentare zu gesamtdeutschen Fragen* (Cologne, bi-weekly, 1952–), which has become an indispensable source of information on all questions affecting the SBZ. It contains articles, many of which are meticulously documented, by specialists on the political, governmental, economic, cultural, and military developments of the Soviet Zone, including changes in Marxist theory and in governmental and other political leadership; charts are included; regular features include a chronicle of events in the SBZ, complete texts or extensive extracts from SBZ political documents, extracts from articles on the SBZ in the satellite press and periodicals, and a periodic supplement giving the texts of the more important SBZ laws, decrees, and regulations; there are book reviews and a periodic index.

Much material is found in the monthly *Königsteiner Kreis Mitteilungsblatt* (Frankfurt/Main, 1950–), published by the Association of Jurists, Economists, and Government Officials from the SBZ; *Recht in Ost und West*, a bi-monthly journal for comparative law and inter-zonal legal problems (Berlin, 1957–); and *Deutsche Fragen, Informationen und Berichte aus der Zone des Unrechts*, formerly called *Aus der Zone des Unrechts* (monthly, Berlin, 1955–). The periodical

**Ausschnitte* (1954–), published irregularly, reproduces in facsimile some very interesting and important documents, articles, laws, etc., mostly in full text, taken from SBZ publications.

The *Tarantel* (1950–) is a satirical periodical, printed in West Berlin in miniature format, primarily for illegal distribution in the DDR. It calls attention to weaknesses in the Communist regime and contradictions between its professions and its actions.

b) *East German* (all published in East Berlin). *Die Einheit, Zeitschrift für Theorie und Praxis des wissenschaftlichen Sozialismus* (monthly, June, 1946–; three issues, numbered separately, were published prior to the merger of the KPD and SPD, with the sub-title *Monatsschrift zur Vorbereitung der Sozialistischen Einheitspartei*) is by far the most important DDR periodical; published by the Central Committee of the SED, it sets and re-sets the ideological party line; it has lengthy book reviews and lists of new books and published documents. The *Deutsche Zeitschrift für Philosophie* (bi-monthly, 1953–) has a special political importance because of the ideological nature of the DDR regime; it includes book reviews and bibliographies. In 1956 its editor-in-chief, Dr. Wolfgang Harich, became the central figure of a *cause célèbre* when he was accused of various charges, including contact with the Hungarian Petöfi group, and sentenced to hard labor. The monthly, *Sowjetwissenschaft, Gesellschaftswissenschaftliche Abteilung* (1948–55), renamed *Sowjetwissenschaft, Gesellschaftswissenschaftliche Beiträge* (1956–), published by the Society for German-Soviet Friendship, reprints articles from Russian periodicals in the social sciences; its intellectual diet is carefully selected for the DDR audience. The *Zeitschrift für Geschichtswissenschaft* (bi-monthly, 1953–) stresses, but does not limit itself to, "modern and most recent history and the history of the German labor movement." The former *Ost und West, Beiträge zu politischen und kulturellen Fragen der Zeit* (monthly, 1947–49?) was edited by Alfred Kantorowicz, journalist and author, old-time Communist and later SED member, who fled to West Berlin in 1957. *Deutsche Aussenpolitik* (monthly, 1956–) is considered close to the Foreign Office; its appendix includes the text of documents and lists of international treaties concluded by the DDR. *Demokratischer Aufbau, Zeitschrift für die Mitarbeiter der staatlichen Organe* (bi-weekly with supplements, 1946–) is for government employees. The *Neue deutsche Presse* (monthly, 1947–) is the organ of the Verband der deutschen Presse.

Neue Justiz, Zeitschrift für Recht und Rechtswissenschaft (monthly, 1947–September, 1952; bi-weekly, October, 1952–), significantly, is published jointly by the Ministry of Justice, the Supreme Court, and the Chief Prosecuting Attorney (edition A without and edition B with quarterly supplements dealing with court decisions; since July 1, 1957, only one edition); it contains articles on legal subjects and, as long as applicable, published a survey of legislation enacted by the Allied Control Council and the Soviet Military Government. The *Rechtswissenschaftlicher Informationsdienst* (bi-weekly, 1952–) is very useful. So is *Bibliographischer Dienst Staat und Recht* (bi-monthly with supplements, 1955–), a bibliographical periodical covering all legal fields of the DDR and including articles published in the DDR, the USSR, the People's Democracies, and West Germany.

Close attention should be paid to the SED publications for party functionaries, led by *Neuer Weg, Organ des Zentralkommittees der SED für Fragen des Parteiaufbaus und des Parteilebens* (1946–; bi-weekly since 1953); it publishes articles by leading party functionaries, especially members of the Central Committee, on various aspects of party organizational and ideological work and reports, often of a critical nature, from lower echelon functionaries on their problems. There are also SED party district publications: e.g., *Der Parteiarbeiter* (monthly, 1956–; ten editions for Greater Berlin and other areas); the *Notizbuch des Agitators* (bi-weekly; thirteen district editions); etc.

The bi-weekly *Dokumentation der Zeit, Gesamtdeutsches Informations-Archiv* (1949–) is published by the Deutsches Institut für Zeitgeschichte and includes texts of documents, press excerpts, chronologies of events, statistical data, cultural reports, and cartoons; it has annual subject-matter indexes. The bi-weekly *Stimme des Patrioten* (1953–) is the *Organ für die Mitarbeiter der Nationalen Front des demokratischen Deutschlands.* Various statistical data are found in the *Vierteljahrshefte zur Statistik der DDR* and the *Statistische Jahresberichte* (see II, 6, above) and *Berliner Statistik, Mitteilungen aus Verwaltung und Wirtschaft* (monthly, 1947–; a continuation of the earlier *Berliner Wirtschaftsberichte*). Close attention should be paid to *Statistische Praxis, Monatsschrift für theoretische und angewandte Forschungs-, Verwaltungs- und Betriebsstatistik* (1946–).

The range of *Arbeitsrecht* (monthly) is indicated by its title. *Die Arbeit* (monthly, 1957–) is for union functionaries; it resulted from a merger of the former theoretical journal *Die Arbeit* (1947–56) and *Das Gewerkschaftsaktiv* (1952–56). *Stadt und Gemeinde,* organ of the Deutscher Städte- und Gemeindetag (monthly, 1957–), specializes in local government. The leading publications of the Free German Youth (FDJ) are the *Junge Welt* (weekly, 1947–) and *Junge Generation* (monthly, 1947–), published by the Central Committee of the FDJ, which also publishes the bi-weekly *Forum* for university students. The Gesellschaft Sport und Technik, which specializes in the military training of youth, publishes eight periodicals, including *Das Banner* (1955–), bi-weekly organ of the Society.

There are a large number of factory and shop sheets (according to the SED, 397 in 1955, with a total circulation of 750,000), all with the subtitle, *Organ der Betriebsorganisation der SED.* They are SED propaganda sheets, rather than "house organs," endeavoring to reach specifically the employees of a given factory, steel mill, etc. Their names are indicative of their purpose: e.g., *Das Kollektiv* (Karl-Marx-Werk Pössneck) and *Unser Friedenswerk* (Eisen-Hütten Kombinat "J. W. Stalin").

Among the periodicals not available to the general public are those of the militarized police forces. Of this group, *Der Kämpfer* (1953–) and *Der Grenzpolizist* (1953–) are listed in the 1957 *Postzeitungsliste* with the notation, "Subscriptions only through the Ministry for National Defense." Other journals in this category are the monthly *Armee Rundschau* (1957–) and *Der Kampfruf*

(1956-). *Die Volksarmee* and *Die Volkspolizei* are listed as available to any subscriber.

Eulenspiegel (1954–; named *Frischer Wind*, 1946–54) is a monthly for "satire and humor," which moderated its witticisms after sharp attacks upon it by Walter Ulbricht in 1956. The bi-weekly "humoristic-satiric" *Der deutsche Michel*, existed 1953–57.

English-language publications are *Democratic German Report* (1955–?; discontinued); *GDR Review, Magazine from the German Democratic Republic* (Dresden, 1957–), published by the Society for Cultural Relations with Foreign Countries; and *German Democratic Report* (bi-weekly, 1951–), edited by John Peet, former chief of Reuter's Bureau in West Berlin, who defected to the East some years ago.

c) *French Periodicals.* Besides *Allemagne d'aujourd'hui, Revue française d'information,*[6] with its persistent interest in East as well as West Germany, the *Revue des questions allemandes, Documents* should be mentioned; it devoted its No. 3, 1957, issue to the DDR, covering the economic, political, literary, and religious situation.

9. *The SED and Other Political Parties:* a) *West German Publications.* Carola Stern, *Die SED, Ein Handbuch über Aufbau, Organisation und Funktion des Parteiapparates* (Cologne, 1954) examines the forced merger of the Social Democratic and Communist parties, the structure and functions of the SED party machinery, and the cooperation of the SED with the Communist Party in West Germany; the appendix contains a chart of the party structure, bibliography, index of party personalities, and the text of various party documents. This study was preceded by the unsigned *Die ideologische und organisatorische Entwicklung der SED* (mimeo., Bonn, 1952?), published by the Social Democratic Party of West Germany in its series, *Sopade Informationsdienst:* it continues to be of value. Miss Stern examined the SED again in *Porträt einer bolschewistischen Partei, Entwicklung, Funktion und Situation der SED* (Cologne, 1957), providing a careful analysis of the developments since the SED beginnings, the party program, policies, methods, and tactics. The careful documentation of both her books is based largely on official East German sources, supplemented by reports from former SED functionaries who have fled from the DDR; both include indispensable bibliographies and are essential to the student of the SED. Of similar value is Joachim Schultz, *Der Funktionär in der Einheitspartei—Kaderpolitik und Bürokratisierung* (Stuttgart, 1956; Schriften des Instituts für Politische Wissenschaft, Berlin), with a preface by Otto Stammer; it provides a careful, detailed, documented analysis of the role of the SED party elite and bureaucracy, its selection, training, control, etc.; the author also explains the Communist party terminology, so easily misunderstood by outsiders. See also *Chronologische Materialen zur Geschichte der SED-Dokumentation* (West Berlin, 1956) and *Der neue Kampf um Freiheit—Briefe und Dokumente Berliner Sozialisten,* published by the Research Depart-

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[6] For details see Mason, *op. cit.* (above, n. 1), p. 530.

ment of the Association for Democratic Germany; *Dokumente der deutschen Politik und Geschichte von 1848 bis zur Gegenwart—Deutschland nach dem Zusammenbruch 1945*, vol. IV (West Berlin, 1954); and *40. Parteitag der Sozialdemokratischen Partei Deutschlands am 19. und 20. April 1946 in Berlin* (West Berlin, 1946).

b) *East German Publications*. Early pronouncements by guiding lights in the SED are Wilhelm Pieck, *Probleme der Vereinigung der KPD und SPD* (1946); Wilhelm Pieck and Otto Grotewohl, *Die Sozialistische Einheitspartei und der Neuaufbau Deutschlands* (1946); and Otto Grotewohl, *Die Politik der Partei und die Entwicklung der SED zu einer Partei neuen Typus* (1949). Albin Felix (pseudonym for Kurt Hager), *The Socialist Unity Party of Germany* (London, 1946) falls in line with the official story.

Material für das Parteilehrjahr 1957–58: Zirkel zum Studium einiger Grundfragen der Partei (1957) is one of the volumes of current SED training material. See also the unsigned *Die politische Agitation in Industriebetrieben* and the pamphlets in the series *Bibliothek des Propagandisten, Bibliothek des Agitators, Lektionen der Parteihochschule "Karl Marx" beim Zentralkommittee der SED*, and *Schriftenreihe für den Parteiarbeiter Beiträge zur Geschichte und Theorie der Arbeiterbewegung* (Verlag Dietz). The *Handbuch des Gewerkschaftsfunktionärs* (1952), published by the Free German Trade Association headquarters, helps to round out the picture of basic SED propaganda material, in addition, of course, to the continuous drill in Marxism-Leninism-Stalinism.

There are a good many volumes of documents on political parties in the SBZ, especially, of course, the SED. See *Dokumente der Sozialistischen Einheitspartei Deutschlands (Beschlüsse und Erklärungen des Zentralsekretariats und des Parteivorstandes)*, 6 vols. (1951–57); *Bericht über die Verhandlungen des 15. Parteitages der Kommunistischen Partei Deutschlands, 19. und 20. April 1946 in Berlin* (1946); *Protokoll des Vereinigungsparteitages der Sozialdemokratischen Partei Deutschlands (SPD) und der Kommunistischen Partei Deutschlands (KPD)* . . . (1946); *Protokoll der Verhandlungen des 2. Parteitages der Sozialistischen Einheitspartei Deutschlands* . . . (1947; other volumes for later party conventions); and *Protokoll der 1. Parteikonferenz der Sozialistischen Einheitspartei Deutschlands* (1950; other volumes for later party conferences).

Kurt Mahler (ed.), *Die Programme der politischen Parteien im neuen Deutschland* (1945) includes the initial post-war programs of the Communist and other parties in the SBZ prior to the establishment of the SED. For comparative purposes, see Ossip K. Flechtheim, *Die KPD in der Weimarer Republik* (Frankfurt/Main, 1948) and *Die deutschen Parteien seit 1945, Quellen und Auszüge* (Cologne, 1955). See, further, *Dokumente der CDU* (1956), published by the party, and *Die Fraktion der NDPD in der Provisorischen Volkskammer* (1951) and *Das 2. Jahr der DDR, Die Fraktion der NDPD in der Volkskammer der DDR* (five annual volumes, 1951–56). Standard polemics—and guides—include Wilhelm Pieck, *Reden und Aufsätze, Auswahl aus den Jahren 1908–1950*, 3 vols. (1953–56), and Walter Ulbricht, *Zur Geschichte der deutschen Arbeiterbewegung*, 3 vols. (1953), *Über Gewerkschaften, Aus Reden und Aufsätzen*, 2 vols. (1953), and *Zur*

Geschichte der neuesten Zeit, vol. 1 (3rd ed., 1955). For Ulbricht's many other publications see the *Verlagsverzeichnis* of the Dietz Verlag (Berlin C 2, Wallerstrasse 76–79), which also lists many other political publications. Speeches and articles by Otto Grotewohl, 1945–53, are published in his *Im Kampf um die einige Deutsche Demokratische Republik*, 3 vols. (1954). *Otto Nuschke, Mensch, Politiker, Journalist* (1953) is an official biography published by his CDU party. Johannes Dieckmann of the LDP published his speeches and articles in his *In Deutschlands entscheidungsvoller Zeit* (1958).

Alfons Steiniger, *Das Blocksystem, Beiträge zu einer demokratischen Verfassungslehre* (1949) is an ingenious defense of this method of achieving "unanimity" in parliamentary voting.

Fred Oelssner, *Die Übergangsperiode vom Kapitalismus zum Sozialismus in der DDR* (1955) is by the former chief theoretician of the SED and editor of *Die Einheit*, 1950–56. In the third "enlarged and improved" edition of his *Der Marxismus der Gegenwart und seine Kritiker* (1952), Oelssner took note of "the advance of Marxist science which we owe to Stalin" since the publication of the second edition in 1948. In February, 1958, he was stripped of all party posts.

10. *Propaganda and Education.* Ernst Richter, in collaboration with Carola Stern and Peter Dietrich, *Agitation und Propaganda, Das System der publizistischen Massenführung in der Sowjetzone* (Berlin, 1958) deals with the development and methods of mass propaganda through the press, radio, and movies and through the special methods taken over from Soviet Russia and applied to homes, villages, and factories. Like all other studies of the Institut für Politische Wissenschaft at the Free University, directed by Professor Otto Stammer, who contributes a preface to this book, it is carefully done and documented; wisely, it leaves open the question how effective the propaganda methods have been, since it is impossible to conduct first-hand tests on the spot. A much lighter but objective study by a knowledgeable person is Peter Grothe, *To Win the Minds of Men: The Story of the Communist Propaganda War in East Germany* (Palo Alto, Cal., 1958); the author bases much of his material on frequent visits to East Berlin and some visits to the SBZ and on numerous interviews as well as printed sources. Communist propaganda, of course, extends to all phases and activities of life and has, therefore, been dealt with in numerous publications.

Special attention should be called to studies in the field of education. Max Gustav Lange, *Totalitäre Erziehung, Das Erziehungssystem der Sowjetzone Deutschlands* (Frankfurt/Main, 1952), by a former professor and editor of the official SBZ educational periodical *Pädagogik*, is based on his personal experience and a detailed documentation running to some 1,100 footnotes. He also wrote *Wissenschaft im totalitären Staat, Die Wissenschaft der Sowjetischen Besatzungszone auf dem Weg zu "Stalinismus"* (Stuttgart, 1955), a scholarly study of the state of Stalinist philosophy and political theory in the SBZ. Both these books were sponsored by the Institut für Politische Wissenschaft. Marianne Müller and Egon Erwin Müller, *Stürmt die Festung Wissenschaft* (West Berlin, 1953) deals with the sovietization of the DDR universities.

The DDR is thoroughly covered with propaganda organizations, both open and partly camouflaged. The most important is the Freie Deutsche Jugend (FDJ), which seeks to anchor Communist convictions in the minds of the youth of all ages. Its origins and development are covered in Gerd Friedrich, *Die FDJ—Auftrag und Entwicklung* (Cologne, rev. ed. 1953), which should be used with Hans-Peter Herz, *Freie Deutsche Jugend* (Munich, 1957).

III. THE SOVIET SECTOR OF BERLIN

Publications dealing with governmental and political aspects of East Berlin only are very few. Walter Brunn, *Die rechtliche, politische und wirtschaftliche Lage des Berliner Sowjetsektors* (West Berlin, 1954) is indispensable for its limited subject. Josef Orloff, *Zusammenbruch und Aufbau Berlins 1945–46* (East Berlin, 1947) is of certain interest for the early days. Willy Brandt and Richard Löwenthal, *Ernst Reuter, Ein Leben für Freiheit* (Munich, 1958) is, of course, very useful for a description of Berlin's struggle for freedom under its famous mayor. See also Ewan Butler, *City Divided: Berlin 1955* (New York, 1955). A good deal of material on East Berlin is found in publications dealing with West Berlin.

ADDENDA

Fritz Kopp and Günter Fischbach, **SBZ von 1955 bis 1956* (1958) is a supplementary volume to **SBZ von 1945 bis 1954*, referred to above, and of similar make-up and quality. Günter Fischbach (ed.) **Literatur zur deutschen Frage* (1958) is a bibliography of some 1,600 selected German and non-German titles, including a good many pertaining to the DDR and East Berlin. It includes very useful author and subject matter indices. Hermann Weber and Lothar Pertinax, *Schein und Wirklichkeit in der DDR, 65 Fragen an die SED* (Stuttgart, 1958), by two former DDR functionaries, answers claims of the SED regime on a Marxist-anti-Stalinist basis. In a published lecture entitled *Rechtsidee und Rechtsideologie* (Tübingen, 1958) Professor Richard Lange elucidates the basic difference between West and East German concepts of law. Benno Sarel, *La Classe ouvrière d'Allemagne Orientale, essai de chronique* (*1945–1958*) (Paris, 1958) is a critical report on the life and fate of the working class in the DDR, based on East German sources.

The Informationsdienst of the Social Democratic Party of West Germany publishes the weekly *Ostspiegel* (Hanover, 1955–), with reports on DDR developments.

A good many articles and documents pertaining to the DDR and West Berlin are found in the bi-weekly *Europa Archiv* (Frankfurt/Main). The *Wirtschaftszeitung* (Stuttgart) publishes valuable studies of the East German economy, with due attention to its political aspects. The *Neue Zürcher Zeitung* (Zürich) brings frequent reports on various aspects of the DDR, especially of a political and cultural and religious nature. *Ost Probleme* (Bonn, 1949–; U. S. Government-sponsored bi-weekly) includes regularly some good material on East Germany. Bibliographical data are found in the bi-weekly *Neue* *politische Literatur* (Stuttgart, 1956–) and the annual *Literatur-Verzeichnis der politischen Wissenschaften* (Munich, 1952–), edited by Hermann Berber.

A new magazine, called *Periodicum für wissenschaftlichen Sozialismus* (apparently a quarterly) was published in Munich in November 1958. It is edited by Dr. Arno Peters, author, with his wife, of the *Synchronoptische Weltgeschichte* (Frankfurt/Main, 1952), who became "famous" when he managed to fool Western official agencies and prominent German historians into endorsing their pro-Communist book for use in West German schools. The first issue of the new periodical is openly pro-Stalinist. In view of the editor's close personal connection with the DDR we may well anticipate some future articles on East Germany. *Caveat emptor.*

Presse-Informationen (1949 or 1950–) is a monthly publication of the Press Office of the Minister President of the DDR, containing articles on various subjects. Non-SED parties in the DDR publish the monthly periodicals *LDPD Information, Die Nation* (DEPD), and *Der Pflüger* (Demokratische Bauernpartei), and the bi-monthly *Voran* (NDPD).

Justiz, Zeitschrift für Demokratie in Staat und Recht (Düsseldorf, bi-monthly) is edited by Helmuth Stein, head of the Arbeitsgemeinschaft Demokratischer Juristen (section of the International Association of Democratic Jurists headed by the Communist lawyer D. N. Pritt, London). The periodical admires East German law and justice. The corresponding journal in the DDR is the *Mitteilungsblatt* [*der*] *Vereinigung demokratischer Juristen Deutschlands.* An occasional article on legal developments in the DDR is found in *Law in the Service of Peace, International Association of Democratic Lawyers' Review,* edited by D. N. Pritt (Brussels, semi-annual). Each issue has a section on "Bibliography and Review of Reviews."

CONCLUSION

The current crisis over West Berlin and its close relation to the Soviet Sector and to the German Democratic Republic call attention to the curious neglect of this important area by research scholars in this country and elsewhere. Even West German research lags behind the obvious need for greater knowledge and better understanding of developments in *Mitteldeutschland,* as measured by their importance to the Free World in general and to Germany in particular. Both in this country and in West Germany, considerable attention is being paid to scholarly work on "Eastern Europe," which is generally interpreted to include the Slavic-speaking countries and Hungary. But politically and ideologically, the DDR and East Berlin regimes are a part of Eastern Europe—at least for the foreseeable future. This sober fact should be recognized fully by students of Communism and Moscow's methods of expansion and consolidation of power. The further fact that in many respects political developments in East Germany show a pattern of their own, not duplicated elsewhere, points up their special significance.

The pursuit of American research in this field, unfortunately, is greatly handicapped by the slimness of available library resources in this country and their wide dispersion over a continent.

BOOK REVIEWS

The French Nation: From Napoleon to Pétain, 1814–1940. By D. W. Brogan. (New York: Harper and Brothers. 1958. Pp. 328. $3.50.)

French Electoral Systems and Elections, 1789–1957. By Peter Campbell. (New York: Frederick A. Praeger. 1958. Pp. 144. $4.50.)

The French Political System. By Maurice Duverger. Translated by Barbara and Robert North. (Chicago: University of Chicago Press. 1958. Pp. vii, 227. $4.00.)

Les paysans et la politique dans la France contemporaine. Edited by Jacques Fauvet and Henri Mendras. (Paris: Librairie Armand Colin. 1958. Pp. xxv, 532. 1800 fr.)

French Socialism in the Crisis Years, 1933–1936: Fascism and the French Left. By John T. Marcus. (New York: Frederick A. Praeger. 1958. Pp. xv, 216. $5.00.)

Les groupes de pression en France. By Jean Meynaud. (Paris: Librairie Armand Colin. 1958. Pp. 371. 1300 fr.)

Sociologie électorale de la Nièvre au XX^{me} siècle (1902-1951). Tome I. By Jean Pataut. (Paris: Editions Cujas. 1957. Pp. 311.)

All of the books reviewed here offer highly significant commentaries on two now defunct French Republics, the Third and the Fourth. Since the authors wrote before the trials which the country underwent in 1958, the reviewer's hindsight could lead to unfair judgments, if he could not in fact testify that the analysis of French politics and society undertaken by the seven works is most meaningful for an understanding of recent events.

Summary praise is due to the books authored by our French colleagues inasmuch as all of them are an impressive testimony to the way which French political science has traveled in recent years. The studies have overcome an at times arid legalistic tradition and mere historicism, without losing in the process either the gift for precision and for pointillist description or the thirst for theory. If Pataut succeeds in making fifty years of election statistics in an underpopulated and uneventful *département* exciting reading, he does so by applying rigorous methods to the analysis of the relationship between social structures and political life. He reaches some methodological conclusions which, however controversial, have general significance. If the volume edited by Fauvet and Mendras is a brilliant example of a successful collective work and combines unity of presentation with diversity of scholarship, this is due to a perspective common to the twenty-four authors. Meynaud's study of pressure groups not only bridges with one step (a giant step one is tempted to say) the lag of French inquiries into this subject, but also examines constantly the theoretical assumptions and implications of its concern with the informal factors in politics, and seeks to determine a framework for future and for comparative studies.

Without becoming unduly sketchy, Brogan's new volume on France encompasses a longer period than the author's earlier works on French history. Actually, also, his scope has become broader, since he now pays more attention to economic and social developments than in his larger book on the Third Republic. At times his skill in condensation leaves the reader breathless: to wit, in his presentation of the Dreyfus Affair and of the initial campaigns of the First World War. At times, especially in his fast moving sketches of intellectual and artistic life, his judgments are so scathing that they border on the superficial. But Brogan apparently believes by now that he has acquired the right to be flippant. He is serious enough when he probes into the congenital weaknesses of the French Republic. According to him, the Third Republic lasted longer than any other of the regimes that the Revolutionary crisis had bred, just because the so-called constitution of 1875 was "the vaguest, least doctrinaire, least systematic" of all French constitutions since the States General met in 1789. But, having erected evasion of responsibility into a system of government, the Republic condemned itself in 1940, as no previous regime had done, because it found that "it had no living principle."

While Brogan's attempt at furnishing a brief historical synthesis has been eminently successful, Duverger's analogous efforts at presenting a short introduction to the structure and the operations of French government under the Fourth Republic are less satisfactory. The amount of information that the book provides is vast, the analysis of the constitution and of its working precise. But out of a desire to remain factual, the author submits only the most tentative conclusions and has adopted a style that is dry and impersonal throughout—so much the opposite of what he usually has to offer to his readers that, at least in part, the translation may be at fault. The chapter on Civil Rights is by far the best, that on the administration and the French civil service far too formalistic; the discussion of pressure groups remains sketchy and is not always accurate. There is much interesting material stored away in the appendices; but there one also discovers a somewhat disquieting discrepancy between the election figures for 1946, 1951 and 1956 presented by Duverger and those given in the volume by Campbell.

Duverger's book concludes on a curiously expressed, but hopeful, note: "The mass of French people, however, remains deeply attached to freedom and democracy. The new generations now assuming responsibility remember the Nazi Occupation and the Resistance Movement." Ironically enough, the volume came out in the very days when the Fourth Republic was assaulted from many sides and when "freedom and democracy" were rescued by something decidedly different from the spontaneous actions of the "new generations."

In their discussions of the political way of life in France during the past half-century, all the authors come to stress certain principal traits that, though well known before, are viewed anew and often from a surprisingly fresh perspective. Pataut and Campbell, who are both concerned with the details of election results, seem to agree that at no time has the electoral system as such proved to be the decidedly disruptive force in French party life. Undoubtedly, and here too both authors seem to agree, an electoral system long in force has its influence on habits of voters and candidates. But neither in the Third nor in the Fourth Republic the various systems that have been tried were an important cause of the gradual increase in political intransigence and instability. The concise, richly documented, and cogently argued book by Campbell is particularly meritorious because its author guards against being over-fascinated by the importance of his own subject. But on that subject he has easily written the definitive study.

The works that deal at length with the political life of rural France (Pataut and Fauvet-Mendras) make once more clear that the basic divisions, appearing in almost every election and in many behavior patterns between the elections, have been those between the forces of the "established order" and of the *mouvement*. This polarization was first analyzed by François Goguel in his history of party developments under the Third Republic; many of the French books here reviewed (and that by an American author, Mr. Marcus, as well) are strongly influenced by the remarkable and manifold contributions to the political sociology of modern France that M. Goguel has furnished. While the earlier divisions reappeared at the beginning of the Fourth Republic, the picture changed when the opposition against a continuously strong Communist Party became one of the overriding issues in political stratification. Then old alignments became blurred, though, as frequently in France, new problems were superimposed on historical reminiscences with the result of increasing political immobilism. It has often been said that the Communist vote, resulting in the secession of one fourth of the electorate from the body politic, made the Fourth Republic during the last decade of its precarious existence far more conservative than the Third. The books by Pataut and by Fauvet-Mendras substantiate this contention irrefutably.

Les paysans et la politique contains extremely valuable short monographs on the agricultural policies and the rural support of all major parties. Since the authors of the collective volume wrote before events of greater significance exploded the political vagaries of an anti-fiscal *Jacquerie*, they are somewhat over-impressed with the Poujade movement and its anarchistic reflexes. But the special attention they paid to the U.D.A.F. has brought forth an excellent study of its historical antecedents and especially of Dorgères's "green shirts."

The crucial role which the French Socialist Party has played since 1944 can hardly be exaggerated. Its failure to develop the cadres and the practices of a broad labor party and its increasing inability to dispute the working class clientele to the Communists turned the S.F.I.O. of the Fourth Republic into a faded re-edition of the Radicals of the Third. More and more it found its residual strength in the least dynamic sections of the country and finally contributed greatly to the breakdown of archaic political processes. Therefore a monograph like that by John T. Marcus, who analyzes the problems of French socialism during an important pre-war era, should be of particular interest now, although one might from the outset regret that the author did not carry his study at least to the outbreak of the war. The book has definite merits. Astonishingly enough, it is the first serious analysis in any language of French neo-socialism, which, with its mixture of socialist and nationalist ideologies, has found a parallel in the attitudes of the Socialist leadership since M. Mollet's trip to Algeria in 1956. Professor Marcus's book also describes and evaluates very carefully the various viewpoints that the groups and fractions remaining in the S.F.I.O. developed after the secession of the "Neos"; its annotated bibliography, listing all socialist and liberal publications of the Thirties, is in itself of great value.

But the book becomes disappointing, and at times irritating, whenever the author sets out to prove his thesis that the Socialists missed out because they mishandled the political uses of an anti-fascist *mystique*, which the Communists were then able to grab. No doubt, ideologies frequently frozen into dogmatism got into the way of the Socialist Party and of its leaders; their understanding of fascism was dimmed by specific difficulties in coming to grips with reality. But the author seems to regret that French Socialism did not have stronger ideological motivations. An involved philosophy of history (expounded at the closing of the volume) leaves many important developments unexplained, although available historical and biographical materials could have furnished a far more illuminating interpretation. Inasmuch as the author is convinced that the years 1933–1936 were all-decisive, in his opinion the elections of 1936 already sealed the fate of French Socialism. To me this is a partial misreading of the historical record and of the complex reasons for Communist successes. The decisive, and truly fateful, decline of the Socialist Party started soon after the Liberation; the work by M. Pataut contains a careful case study of such decline in a Department with strong Socialist traditions. And while it is true that many factors responsible for such decline had developed before the war, the explanation offered by Dr. Marcus, in an otherwise meritorious book, is too one-sided to be satisfactory.

All of the books here reviewed dwell on the obsoleteness of the French party system. Several of the authors, and here both their concord and their tentativeness are interesting, pointed hopefully to some facts that seemed to indicate that the modernization of the economy and the demographic rejuvenation might compel the adaptation of the political apparatus to new conditions without a breakdown of constitutional processes. The consequences of the Algerian war, a problem outside the range of these books, have frustrated such hopes.

While the Fourth French Republic sank deeper and deeper into political immobilism, special interests organized effectively and in many instances their activities modified the conditions of political life. In spite of the formal abrogation of the Pétain legislation the legacy of Vichy's experiment in corporatist organization has been surprisingly heavy. Several monographs in the Fauvet-Mendras volume, but especially the chapter describing the work of the Ministry of Agriculture and the concluding part, *Le village et les pouvoirs* (a little masterpiece contributed by the mayor of a small Southern village), illustrate this point. In the countryside the real difference between the Third and Fourth Republic consisted in the vastly increased importance of farmers' organizations behind which the agricultural producer, in spite of his heralded individualism, disappeared almost completely. The same situation obtained for business, small and large, for other economic, and for many cultural activities.

Before Professor Meynaud directed his attention to the anatomy of French pressure groups and to their relationship with the governmental process, only the pen of polemicists had touched upon the subject. Now several of M. Meynaud's students have furnished interesting monographs; he himself has surveyed the field in a number of searching journal articles; his volume presents, together with much new material, an admirable synthesis of these earlier but still recent labors. Altogether the book does not have to fear comparison with David Truman's well-known work.

The methods by which French interest groups seek access to the centers of decision making, the reaction of parties, parliament, and administration to their demands vary only in detail, not in essence, from comparable situations elsewhere and especially in the United States. But very important differences exist where the political society that surrounds the groups influences the articulation of their demands and their mutual relationship. In a fragmented society such as modern France not only are interests divided *qua* interests, but contradictory ideologies and opposing loyalties shape the "socialization of conflict" that always occurs when organized interests take their claims into the public domain. M. Meynaud is probably right when he insists that for these reasons one cannot distinguish French economic from ideological interest groups.

There are parts of this study that remain intentionally tentative. There is some speculation as to whether, as is often assumed, the lack of homogeneous and disciplined parties facilitates effective access for the groups. M. Meynaud is generally convinced that the bureaucracy is capable of fulfilling the function that elsewhere the party system might perform: that of aggregating the "crude" demands put forward by organized interests. He believes that the decisions of the civil servants provide the arbitration from which the general interest emerges unscathed. But he also admits that the situation may vary from one Ministry to the other and that his treatment of this particular question needs much qualification.

Professor Meynaud quite obviously belongs to that school of social scientists that assumes that the activities of interest groups are indispensable in democratic societies. He only touches upon the very fundamental question whether such an assumption implies that all organized interests are equally worthy of attention by the public powers, or whether there is a definite relationship between the channeling of interests and the changes in the social order to which the total political process is committed.

On one important question M. Meynaud is unequivocal and his position is corroborated at least indirectly by much evidence in the other works: an inordinate strength of pressure groups arises from the weakness of government;

the groups may exploit, they do not create such weakness. The demise of the Fourth Republic and the conditions under which it succumbed on both sides of the Mediterranean are a case in point.

HENRY W. EHRMANN.

University of Colorado.

Dilemmas of Politics. BY HANS J. MORGENTHAU. (Chicago: University of Chicago Press. 1958. Pp. x, 390. $7.50.)

Though many have disagreed with Professor Morgenthau, few if any students of international relations have felt that his extensive political writings could be ignored. He is a man with whom we have all had to reckon. One therefore welcomes the present volume, which is made up of essays written during the past twenty years. Of any such collection two questions may be asked: Does it contain enough pieces of lasting value to justify publication? Do the separate essays combine to make a fairly coherent book? The answer to both questions is "yes." The affirmative answer attests to the perspicacity with which Professor Morgenthau has dealt with political issues as they have arisen and to the richness and consistency of the viewpoint he has brought to the study of politics.

Here as ever one finds Professor Morgenthau doing battle against philosophers, publicists, and politicians who display the political utopianism that he rightly finds in, and wrongly makes identical with, liberal political theories. We live in an imperfect world, he avers, and the imperfections are enduring because they are rooted in the sinful nature of man. This is the world that statesmen must cope with. But what standards can they look to in assessing the policies of the past and fashioning those of the present? Professor Morgenthau's concern becomes at once theoretical and practical: theoretical, for, as he rightly asserts, no empirical investigation can of itself disclose what the criteria of adequate policy must be; practical, for he argues that correct theory combined with some knowledge of the situation at hand facilitates the making of "rational" policy. "A central concept, such as power," he writes, makes possible a political theory that will provide "a kind of rational outline of politics, a map of the political scene." The policy that proceeds to a given end by following the "shortest and safest road" found by studying the map is then "rational" policy (pp. 39–40).

At this point three troublesome but important questions arise: Is the theory adequate? Is even an adequate theory a sufficient basis for ascertaining the rationality of policy? And finally, if there were available a guide to the devising of rational policy, would we have any reason to expect statesmen to follow it?

Professor Morgenthau describes his book as being of "theoretical compass." To question the adequacy of his theory is nevertheless difficult, for we are offered not so much a theory as the materials for one, with "power" as the organizing principle and "sin" and "interest" as companion concepts. His thoughts on these matters are conveyed by assertion, by pointing to such statesmen as Disraeli and Churchill, who have sensed the theory and followed its dictates, and by criticism of contrary ideas. The arguments are imaginative and incisive, indeed often blunt. But when one looks more closely, one is left with the feeling that a careful statement of the complex interrelations of important variables is still wanting. Because Professor Morgenthau has expressed himself in this way over the years, he has often been questioned as to the meaning of power and the content of interest. Is power a sometimes necessary means or an always present end of our actions? Can we approximate an objective understanding of power and interest, and if we can, will we thereby discover the necessities of state action? We should still like to see the map.

If we could have a look at the map, would we be able to comprehend the policies of other states and to prescribe "rationally" the policies our own state should follow? Professor Morgenthau often seems to believe that we could. He argues, for example, that "in order to know what Chinese policy with regard to Korea or Formosa is likely to be" we need only ask ourselves "what the national interest of China has been with regard to these two regions and what it is likely to be as interpreted by the present rulers of China." Inside information becomes irrelevant, for "if rational analysis cannot answer our quest, nothing else will" (p. 308). It is indeed true that the idea of national interest is useful here and that Chinese otherwise very different agree generally in its definition. But to say that this is all we need to know is at best misleading. We should be able to figure out, with no great knowledge of China, that any foreign power approaching the Yalu river from the south will cause any mainland Chinese government major concern. But if we ask specifically how the leaders are likely to react—just what they will do and when and how they will do it—we find that no reply is possible in the absence of detailed information, which no theory can give us. Policy deals with contingencies and information bearing upon them is sensibly guarded by those who have it and sought by those who do not. Professor Morgenthau, however, writes as though a good theory enables one to determine "rationally" the policy needs of the moment with only a minimum knowledge of the situation. He does this only at times, one should emphasize. Indeed here as elsewhere it is difficult to criticize, for on closer inspection many seemingly straightforward statements turn out to be either truisms or unacceptable generalizations, depending on how one reads them. Here for example all the difficulties are contained in the phrase, "as interpreted by the present rulers." If one's eye is caught by it, there can scarcely be any quarrel with what he has said, and awareness of "national interests" is taken properly as something that gives only the most general guidance. On the other hand, the argument that inside information is irrelevant is then unsupportable. One cannot have it both ways. And Professor Morgenthau, one must add, is himself acutely conscious of the "ambiguous and involved . . . relations between reason and politics" (p. 380). He is concerned, on the one hand, with how men would act if they were only rational and, on the other, with how they do indeed behave.

This too raises problems. At times Professor Morgenthau's writing is purely descriptive, intended to make comprehensible what does happen. At other times his writing becomes persuasive, intended to convince the leaders of states that they ought to act in certain ways and not in others. Thus at once he argues that diplomatic practices grow out of objective conditions and deplores present diplomatic conduct. And it does not help much to say that it is in the nature of rules of social conduct that they are always imperfectly followed, for in view of his assumed nature of man this would seem to make the hope for intelligent conduct of policy merely a pious wish. Professor Morgenthau himself offers an analogy that is helpful here. "As economics is centered upon the concept of interest defined as wealth, its accumulation and distribution," he writes, "so political science is centered upon the concept of interest defined as power, its accumulation, distribution, and control" (p. 39). This is suggestive, and what it suggests to this reviewer is the following question: Would it be helpful to say that in economic matters the businessman pursues his interests defined in terms of wealth, and that in order to make "rational" decisions he needs a "rational" outline, or map, of economics? This is precisely what Professor Morgenthau does say of the state in international relations, with only the substitution of the words "political science" for "economics" and "power" for "wealth." Economic theory, however, does not depend upon the assumption that entrepreneurs are rational or that any one of them will calculate correctly, but rather on the perception that in a competitive economy all of them are constrained to try, with bankruptcy, the penalty for failure, as the compelling factor. In the construction of theory emphasis upon the nature of man is both unnecessary and confusing, and a central concept, be it profit or power, is not the beginning of theory but a possible end point. In his explicitly theoretical statements Professor Morgenthau most often moves directly from an assumed nature of man to power as an organizing principle, and from the idea of power to the necessity of action in accordance with the national interest. This is not very helpful, yet when writing of past and present political events he often makes clear that statesmen less often act as they wish, more often as they must because they are constrained by the conditions in which they and their states exist. It is not then that something has been omitted but rather that the parts of his system—the volitional and the determined, the attention paid to political conditions and the emphasis placed upon human nature and individual actors—are in uneasy juxtaposition.

The preceding criticisms are not intended to be merely negative. If Professor Morgenthau's attempts to work out a theory of international relations are in some ways unsuccessful, that is in part a measure of the difficulty of the task. Its usefulness is demonstrated by the excellence of his political commentaries. In them he applies the concepts he has so often defended to illuminate the processes of politics and to comment with verve and incisiveness upon the recent and current political scene. His chapters on "Nationalism," "Neutrality and Neutralism," and "The New Despotism and the New Feudalism" are cases in point; and the chapter on the State Department's loyalty-security program is the best single essay on the subject that this reviewer has ever read.

KENNETH WALTZ.

Swarthmore College.

Constitutional Reason of State: The Survival of the Constitutional Order. BY C. J. FRIEDRICH. (Providence: Brown University Press. 1957. Pp. xi, 131. $3.00.)

In reviewing Meinecke's *Idea of the Reason of State* in this journal twenty-eight years ago (a review reprinted as an appendix of the book before us), Friedrich observed that despite the magnitude of his contribution Meinecke had failed to set forth a clearly defined concept of the reason of state. Nor had that great scholar paid much attention to the concern for the problem shown by constitutional thinkers. Moreover, the massive political changes we have seen since the original publication of Meinecke's work have made security and the legal defense of the constitutional order vital and controversial policy problems of free communities. The twin challenges of the earlier theoretical work and of an intensely practical problem have stimulated the writing of *Constitutional Reason of State,* originally presented as *Colver Memorial Lectures* at Brown University. The brevity of the study is in inverse relation to its wealth of insight and stimulation.

In seven short chapters, Friedrich offers, first, his general argument on security and survival, next, a series of analytic essays dealing with a group of major thinkers from the sixteenth to the nineteenth century, and, finally, some tentative conclusions comprising observations on security policy and practice. For Friedrich, the reason of state doctrine is the traditional approach of political theory to the security problem, an approach manifestly concerned with the question of "morals and politics." In re-examining these theories, from the political rather than the moral point of view, he proposes to throw light on the modern issue. In keeping with some of the older thought, he chooses to disregard the distinction between internal and external security. This may puzzle some readers occasionally as the argument unfolds. Reason of state is assumed to mean "the doctrine that whatever is required to insure the survival of the state must be done by the individuals responsible for it, no matter how repugnant such an act may be to them in their private capacity as decent and moral men" (pp. 4 f.). Friedrich regards it as a particular form of the general proposition that means must be both rational and effective. Reason of state thinking regards the political order as the embodiment of the highest values. This conception derives not only from classical, but also, as we are reminded, from that strand of Christian thought that yields the doctrine of just war. It also involves the felt need of justifying the use of problematic means that "necessity" may demand.

If we are tempted to ask why political leaders, endowed with the insiders' superior grasp, so often have failed to act rationally (as hindsight proves) in rising to the challenge of "necessity," the answer, Friedrich suggests, lies in the broad range of contingency that affects all measures concerned with the future. Hence it is that free societies, both from faith in the "common man" and a prudential wish to secure support even in the face of error, insist upon associating the people with political decisions. In this context the modern security problem involves the well-known dilemma that the defense of the state means the defense of a system of values that may well be jeopardized by the very measures taken in its protection.

Unhappily the limitations of a short review do not permit justice to what constitutes the major part of the study—a magistral reappraisal of a group of thinkers whose contribution to the problem the author has found especially rewarding. A chapter on Machiavelli is followed by chapters on the "survivalists (secular)" (Harrington, Spinoza, Montesquieu), on the "Christian slant" (Calvin and Calvinists), the "moralist slant" (Milton, Locke, Kant) and one on Hegel ("reason of state as reason of history"). The discussion of Machiavelli is notable for its stress on the role of "*necessita*," on his scientism, and on his conception of the state as a work of art. Friedrich convincingly shows that Machiavelli cannot be considered the "discoverer" of the reason of state problem since he unquestioningly assumes that the state embodies "the supreme and all-inclusive good." Hence, unlike the more Christian Machiavellians after him, he needs no justification for whatever means its safekeeping may take. From other chapters we may note Spinoza's distinction between subversive acts and subversive opinions (which are somewhat humored), the indifference of the godly Calvinists (as of the Jesuits) concerning means sanctified by the goal, or Kant's resolution of the problem in terms of the categorical imperative and the ultimate achievement of world community.

By the author's own admission, the findings are hardly conclusive. And this reader would rather wait for a later and fuller statement of his ideas on the modern policy problem. But Friedrich has put us in his debt by his clarification of the reason of state concept and by providing, in the process of his broad reappraisal, depth and perspective for the continuing security debate. He also demonstrates how fruitful it can be to re-examine traditional thought in terms of a pressing modern problem. The very persistence of such problems in the political order periodically challenges reflection and imparts a kind of continuity to political theory that transcends philosophical schools and institutional patterns.

WOLFGANG H. KRAUS.

The George Washington University.

The Representative Republic. BY FERDINAND A. HERMENS. (Notre Dame, Ind.: University of Notre Dame Press. 1958. Pp. xiv, 578. $7.50.)

The dominating concepts in this book are those of "political form" and "constitutionalism"; they are made necessary and controlling ingredients of the concept of the "representative republic." In one sense, then, the book may be viewed as an essay in the importance of form in the life of political communities, especially "democratic" communities, and, consequently, in the importance of the concept of form to the scholarly analysis of politics.

But it should also be stated at the outset that Professor Hermens's study is much more than the development of this single central theme, for viewed in another way it represents a subtle re-examination of a great body of evidence about constitutional government. He is not concerned here with the presentation of new evidence, but with the kind of thinking about the general principles of interpretation applicable to the evidence already in hand that should be the special province of wise and mature scholars. Thus, if the present book is compared with Professor Hermens's earlier works, especially those that focused on proportional representation and other aspects of voting systems, it is evident that a similar line of conclusion about form or institutions is maintained, but it is also evident that the present work is broader and ramifies into more aspects of politics.

A synopsis of the main general thesis of the book may begin by noting " . . . the factors involved in political action: 1) form, 2) forces, 3) policy." All three factors are independent in the sense that in significant degree they are not explainable as derivatives of other factors. Each is therefore independently (as well as relatively) important in the study of politics and may not be neglected. However, " . . . political form does constitute the key problem in the tangle of factors in the recent past." In consequence, form provides the focus " . . . and this book will be devoted to an attempt to show how, in that field, the interaction of political form and of social forces leads to results which social factors could never have by themselves."

The demonstration of this thesis is undertaken in two roughly equal sections which compose the book. In the first section, "Form, Forces, and Policy in General," Professor Hermens is concerned with identifying the elements of form as such, with their interrelations, and with establishing that in fact form is an independent factor that sets effective limits for social forces and political policies. He deals with democracy as practice and ideology, with rulership and leadership, with constitutionalism, with political parties, with majoritarianism, and with distortions of representation in systems that emphasize interest pluralism.

The second section deals with "Constitutionalism in the Concrete." Here he deals with the main "representative republics," bringing to bear the general conclusions of the first section in the analysis of particular modern states. In order, Great Britian, France, Germany, Italy, and the United States are considered, especially as regards the importance of political form in their political systems. Another more speculative chapter on "Form, Matter and the Future" treats mainly states whose political practices are not so well established: India and other states of the Far East; Greece; Turkey; and Latin American states. Parenthetically, it may be noted here that the book provides a detailed table of contents, extensive notes which also serve as a bibliography, and an index of names, but no subject matter index.

This design necessarily sets a problem of enormous scope and complexity for the author, and the problem of justifying an emphasis on a single analytical theory is full of difficulties. These are well recognized by Professor Hermens and resolution of them is sought in a number of ways. First, his emphasis on political form is an emphasis; it does not deny the alternative factors. It is true that the argument often seems to oppose form and forces, but this is usually by way of correcting what the author considers to be the distortions of behaviorism. At the same time, he explicitly attempts to avoid an equally distorted over-emphasis on political form.

Second, some difficulties are resolved by basing definitional distinctions on comparative political practice rather than on doctrine: for example, Professor Hermens rejects an ideological definition of democracy. In providing an initial working definition, he notes that we now have a large body of data concerning "democratic reality," which, in substantial measure, consists in " . . . a reasonable degree of *con*formity between social forces and political form. . . . " The implied distinctions thus clear the scene of the antinomic conflicts that result from ideological confrontations of the individual and the state. Or, to use a second illustration of distinctions based on practice, Professor Hermens is concerned with meeting the assertions of those who have emphasized power as an independent factor which leads to an iron law of oligarchy: that is, which denies reality to democratic arrangements in any long run sense. He asserts a real difference between "rulership" and responsible "leadership," a distinction that he first developed in an earlier book. Leadership does have certain functions that go to the discretionary determination and maintenance of essential general-interest functions. An effective state does need to provide for a balanced division of labor, innovation, integration, and limitation; and representative pluralism resists all of these. But experience in constitutional states indicates that adequate provision of these functions need not result in the irresponsible power associated with "rulership"; and it indicates also that political form as such has much to do with preventing leaders from taking the steps that would make them rulers.

Third, some difficulties are resolved by verbal distinctions, by prescriptive definitions. It is necessary, of course, to make such distinctions, but they also raise their own problems. The definition of political form is perhaps the best illustration. On the one hand, a concept of form carries implications of substantive essence, if only because it is identified as a factor that is in major degree "independent." On the other hand, the "form" of which Professor Hermens is the protagonist is that of constitutional states rather than of all states. "In the most general sense of the term, 'constitution' is identical with 'political form,'" but "we revolt instinctively at the thought of using either the term constitution or political form in connection with dictatorship" (p. 145). In short, there are ideological overtones in the use of "political form" which leave the reader with some unresolved problems if the concept is to be employed analytically.

In sum, this is a wise and fruitful book which emphasizes significant factors that tend to be neglected in the present style of political studies. It is the kind of book that not only instructs the reader because of its content, but also stimulates thinking about the largest problems of political interpretation.

THOMAS P. JENKIN.

University of California (Los Angeles).

America as a Civilization: Life and Thought in the United States Today. By Max Lerner. (New York: Simon and Schuster. 1957. Pp. xiii, 1036. $10.00.)

When old age and death have thoroughly wasted the American generation that was young in the 1930's and intellectual historians are ready to cast up accounts, it would be a pity and a mistake if they failed to reckon with the name of Max Lerner. For he had—let them be warned—a special symbolic importance for our times, and they will learn more about those times by observing him than by poring over the works of other men whose achievements may appear greater.

His place in the minds of college liberals in the gloomy and brave days of the Depression and the New Deal was nearly unique. Perhaps no one except a former member of that youthful band can realize that this was so, and why. The patron saints of the sect, like Veblen and Dewey, were either dead or old, and augustly remote. Frankfurter and Tugwell and Berle were exciting but busy helping to run the government. Walter Lippmann, bedevilled with an awareness of complexity, had produced *The Good Society,* which seems in retrospect an occasionally wise book, but which seemed in those days confusing and unsatisfying. Stalinists and Trotskyists abounded, and they were ready with answers to the questions we asked, but their appeal was muted somewhat by its strange, "foreign" cast (we deplored chauvinism and national parochialism, but not many could entirely escape them). On the other hand, Lerner was not much beyond undergraduate days himself, and though he was obviously very bright, we could hopefully see ourselves reflected in him. He wrote frequently and at a great rate, and he wrote very well. Moreover, he flung out his ideas with that fine self-certitude that comes from being young and indignant and unencumbered with the immediate cares of state. There was no confusion here, or at least there seemed to be none. Certainly there was no perceptible lack of self-confidence. Here was a man, unancient like ourselves, who was fast with an answer the way the full-fledged Marxists were but was not committed to their foreign Gods, who strode somewhere to the left of the New Deal and thus satisfied our need to reject orthodoxies, but who did not seek to pipe us into the mountain and lead us to strange, other orthodoxies. "Democratic collectivism," that was the watchword. As we wrote editorials for the college daily, imagination placed Lerner at our elbows, where Buck Jones had stood a few years before.

But now the scene shifts; it is twenty-odd years later. Max Lerner rides again. He has written a book 1036 pages long (counting the index, which runs from Abegglen, James to Zworykin, Vladimir) called *America as a Civilization.* And the subject matter of the volume is no less than its title promises. It ranges through almost every topic that the most exacting critic might demand to cover the mighty subject. The economics, the religion, the politics, the class-structure, the education, the arts, the ethnography, the sex life of Americans, all these things are dealt with and many more.

The book has been in print for more than a year as these words are written, and published critical judgments have been mixed. Some reviewers, like Henry Commager and the anonymous essayist of the *Times Literary Supplement* (Brogan?), have praised it highly; others have deprecated its "stylelessness"; its omnivorous coverage, its supposed lack of point. The most pontifical of American popular journals, *Time Magazine*, whose editors have had so much practice in patronizing their betters, weighed in with a lordly judgment to that effect early in the game.

But there are perhaps a few more things that need to be said, even after *Time* has spoken. One has to do with what might be called the premises of criticism. If a book is a signal achievement, yet falls far short of complete success, then both these things should be said, not the last alone. If a man has great gifts combined with some limitations, the critic should make it clear that he has the first fact firmly in mind, as well as the second. The alternative is to praise the modestly planned product of a mediocre mind because it is unexceptionable, and to condemn the impressive failure. And surely this involves a corruption of critical values.

For the fact is that there are very few men who could have written this book, failure or not. The amount of sheer industry that has been poured into it is itself prodigious, and that alone merits a respectful bow before the barbs are sent flying. But quite apart from that, how many men are there who have the background to essay the range of subjects Lerner does, and to discuss all of them not of course as a fully-certified professional in each case, but surely as a good deal more than an eager amateur? And how many of those have Lerner's gift for lucid expression, the capacity to synthesize vast quantities of data and make sense out of them? The book is among other things a compendium of important information and ideas about most of the things that matter in America today. And I mean no faint praise when I say that it ought to survive as a reference book, if not as a book that states a great new theme and changes the minds of men.

But when these things have been said in extenuation and admiration, others must be said too. The book's only real themes are that America is pluralistic and therefore not understandable in terms of any single organizing idea, and that America is on the whole a pretty good place. These are probably sound points and they are developed effectively, but they are not calculated to surprise anyone very much. And unfortunately this same lack of originality runs through much of the analytic exposition that accounts for the bulk of the book. What the author says about the modern "Titan" of business, about the Presidency, about the Supreme Court, is often true and often good, but almost none of it is new and very little of it is Lerner's. The book is a report, and a good one, about what America, past and present, thinks and does. It is not an original and important contribution to that thinking.

However, from the viewpoint of those historians of the future mentioned earlier, it is none the less interesting for all that. For if Lerner was a symbol for the young in the days when *Ideas Are Weapons* and *It Is Later Than You Think* were pouring forth, he is revealed in this volume as a kind of archetype for those youths now that twenty more years have bowed their backs. Like him, they (the first person plural is now conveniently abandoned) are no longer sure about all the important questions. Like him, they have lost their indignation, some of their critical edge, and perhaps a good deal of their verve as well. Like him, some of them have learned a lot more than they knew then and, like him, have made an honest effort to assimilate that knowledge, rather than to reject it in order to cling to precious certitudes and simplifications. They would like to think that they are better men than they were and that the mental climate they now live in is also an improvement. But they read a book like Arthur Schlesinger's *The Coming of the New Deal*, which re-evokes the excitement and vitality of that time, and they wonder.

ROBERT G. McCLOSKEY.

Harvard University.

The Jacksonian Persuasion: Politics and Belief. By MARVIN MEYERS. (Stanford: Stanford University Press. 1957. Pp. viii, 231. $5.00.)

It is doubtless a truism to describe any period in history as one of change. Nevertheless, the transformations in American society during and after Jackson's Presidency were distinguished by the rapidity of the process, the importance of the changes themselves, and perhaps by the contemporary awareness of the changes and their ramifications. It is the belief of Professor Meyers that the ideas and attitudes of the Jacksonians contain the key to an understanding of the society, its people, and the changes that they both wrought and resisted.

The central thesis of *The Jacksonian Persuasion* is relatively simple, but it is developed with a sophistication and subtlety that a summary cannot convey. The thesis, briefly, is this. The Jacksonians were aware of the social implications of the economic changes in which they were involved, and their reaction was ambivalent. They could not resist the attractions of the new economy of corporations, credit, and financial manipulation, but neither could they abandon their image of the Old Republic, and that image was derived from the Jeffersonian idyll of a nation of yeoman farmers. The old and the new were in conflict, and neither could be totally rejected. The rhetoric of the Jacksonians appealed to the people's loyalty to the old order and mollified their conscience by fixing the guilt for the evils of the new order on Biddle's Bank. It did not stop them from plunging into the new order with vigor and zest. Thus the paradox: "the fact that the movement which helped clear the path for laissez-faire capitalism and its culture in America, and the public which in its daily life eagerly entered on that path, held nevertheless in their political conscience an ideal of a chaste republican order, resisting the seductions of risk and novelty, greed and extravagance, rapid motion and complex dealings."

The basic and reiterated theme in the rhetoric of the "Persuasion" was a call for restoration of the old order of republican simplicity. Although the Second Bank of the United States was the focus of attack, it was merely the symbol of economic, social, cultural, ethical, and political trends that the Jacksonians regarded as evil. For Jackson himself, the enemy was the "money power" (not the rich *per se*), those who gained their wealth not by honest toil but by financial manipulation or because of special corporate privileges. This distinction between "natural" and "artificial" wealth underlay William Leggett's gospel of laissez-faire, a gospel that later advocates of the doctrine would not have recognized. For him it meant, above all else, no government privileges in the form of corporate charters. He believed that the competition for them corrupted republican institutions and the granting of them violated the republican principles of equality and liberty. He called for a return to the order of nature in economics as a means of restoring the Old Republic.

Voices less directly political, like those of Cooper and Theodore Sedgwick, likewise mourned the purity and simplicity of the old days. Sedgwick attributed the increasing poverty he observed to a general decline in morals and an acceptance by the common people of false values. Wives of journeymen mechanics ran after "capes, feathers, ribbons, flounces, and ten thousand gew-gaws," and champagne (symbol of gentility) was to be found in almost any village of forty or more houses. A return to prosperity could be effected, he thought, by a return to the old and true values of frugality and simplicity. This diagnosis and prescription were similar to the much more comprehensive criticism of Cooper. He regretted the "degeneration of republican virtue," the disappearance of an harmonious social order in which the decent yeomanry recognized and deferred to a natural elite characterized by "dignified simplicity" (John Jay) and "courteous dialogue" (Jackson). The people no longer took their manners and morals from their natural superiors but from "public opinion" and "popular sentiment"; the result was vulgarization, corruption, pretense, and a descent into crass materialism.

Thus the lament. And thus, in Professor Meyer's opinion, the paradox of Jacksonian society. From the criticisms of Cooper and Sedgwick, from Tocqueville and other foreign observers, indeed from a multitude of sources, a collective portrait of the American people emerges: "business is the very soul of an American . . . "; "the feeling is universal, that to be anybody, or to do anything, one must have wealth"; "it is one of the first ideas of a democrat to live upon the best which the country offers"; "nearly all Americans trade and speculate." Meyers sums up: "The broad impression, comprehending town and country, focuses upon a national order of instinctive traders and shoestring enterprisers in free pursuit of maximum return." In short, the Jacksonians were condemning not only Biddle and his Monster, but themselves as well. They were, in the author's phrase, both the judges and the judged. In the end, as the Jeffersonian Republic faded farther into the past, they accepted the corporate era, but only after attempts to democratize and curb the corporation by the adoption of general incorporation statutes and by provisions for subjecting it to some degree of public regulation.

The Jacksonian Persuasion is a delight to read and, as I have suggested above, a summary of its argument cannot convey its real quality. Its analysis is sustained, perceptive, precise, and its subtlety of content is matched by lucidity of expression. It illumines and recreates the image of the Jacksonians at one and the same time, in a way that is intellectually persuasive and esthetically pleasing. A book of rare distinction.

CECELIA M. KENYON.

Smith College.

Aspects of Liberty: Essays Presented to Robert E. Cushman. EDITED BY MILTON R. KONVITZ AND CLINTON ROSSITER. (Ithaca: Cornell University Press. 1958. Pp. viii, 335. $5.50.)

Robert E. Cushman, whose academic and public career has been dedicated to civil liberty, could hardly have been more aptly honored than by this collection of essays by his friends, colleagues, and students. Of almost uniformly high quality, the seventeen contributions to this volume demonstrate that the subject of Professor Cushman's primary and life-long concern has a multitude of facets and presents ever-new challenges.

If I should devote only one paragraph to each essay, I should exceed the allotted space; hence this review will be eclectic—and therefore, no doubt, even more subjective than book reviews normally are. My choice as the most stimulating portion of the book is John P. Roche's article "American Liberty: An Examination of the 'Tradition' of Freedom." This is a brilliant piece of writing that I expect to see reprinted in anthologies, quoted in interpretative works, and referred to in texts.

Roche's thesis is that "freedom today rests on a radically different institutional base from freedom in preindustrial America." In early America, he demonstrates, the liberty of the individual was conditioned upon the openness of the country, its heterogeneity, and the relative insulation from one another of its subcultures. Early American society was not libertarian—if that term presumes respect for views that a given locality wholly rejects. "The parish," Roche reminds us, "can be as coercive as the state." Justice Jackson's observation that "there are village tyrants as well as village Hampdens" is only too well borne out in rural America's experience.

More than twenty years ago, William Haller observed that geographic dispersion played a vital role in the acceptance of religious toleration as a constitutional principle. Roche makes essentially the same point (". . . No one could assert that the countryside seethed with oppression. There was no need for it.") but enlarges it. An enlightening quotation from Jefferson illustrates the limited scope of genuine toleration among the Founders: having expressed complete indifference in matters of religion, Jefferson asserted that in the field of civic training "heresies" needed to be firmly suppressed, in the case in point by authoritative prescription of the texts to be used in government courses at the University of Virginia.

The interpretation has at least some of its roots in the Turner thesis—"Individual freedom in early, rural America," says Roche, "depended not on a national principle of fair play, but rather on the ability of an individual to find a community where his views would not engender wrath and its inevitable fellows, the tarpot, lash and noose."

Urban, industrialized America has provided not only *anomie* but anonymity—here liberty is a function of social cohesion, to be preserved so that our kind of society may maintain itself. (R. M. MacIver has pointed in this direction in *The Web of Government.*) Bureaucratization of our society has frequently been deplored, but Roche usefully emphasizes the gains for human liberty implicit in impersonalization: "The security dismissal has replaced tar and feathers; the Smith Act has replaced the lynching posse. . . . There are in the city no ready-made instruments of social control, of direct democracy."

The entire article is as suggestive in detail as is the major thesis just sketched. Professor Roche's felicitous style only adds to the merits.

Among other essays in the volume, attention should be invited to the two entries under the heading "Comparative Aspects." Here Robert K. Carr discusses the civil liberties of Englishmen and Mario Einaudi examines problems of freedom in Germany, France, and Italy since World War II. Professor Carr not only relates specific civil liberties practices in England but also astutely contrasts American and British attitudes. Professor Einaudi deals with such topics as bills of rights, judicial protection of civil liberties, administrative safeguards, and freedom of the press in three countries; this is "comparative" in the best sense of the word.

The initial section, headed "Theoretical Aspects," consists of contributions by Robert M. Hutchins, Clinton Rossiter, James Hart, and George E. G. Catlin. At least two of these authors would, I feel sure, not object if I were to say that these seventy-odd pages struck me as a series of variations on a theme by Walter Lippmann. Robert M. Hutchins notes (or does he deplore?) that "the institutions that dominate our society have made underdogs of us all" and calls for efforts to clarify the underlying issues, not the least of which is "the nature of the moral belief on which the United States rests." Professor Rossiter, in a somewhat homiletic disquisition, invokes energy, intelligence, and self-discipline as corollaries to true liberty. Responsibility and morality (though rather specially defined) are the keystones of Professor Hart's cogent and erudite essay on "The State and Human Freedom."

I could have (and perhaps I should have) devoted the bulk of this review to Professor Catlin's contribution. Entitled "On Freedom," this chapter is of a sweep as well as incisiveness that invites rereading and rethinking. A footnote advises that, in substance, it will be part of his forthcoming *Elementa Politica,* a work that undoubtedly will receive more adequate notice in the pages of this REVIEW than could be given here.

Among the "Methodological Aspects" Joseph Tanenhaus' informative paper on "Social Science in Civil Rights Litigation" should be singled out for mention. This skillful analysis of the use of opinion surveys and social science *expertise* in litigation has implications that go beyond the context of legal controversy and deserve further inquiry and discussion. (A minute flaw is a proofreader's slip, which erroneously numbers the 1953 series of the *Minnesota Law*

Review as volume 14—while on the opposite page volume 40 is shown with a date of 1956.)

The other essays equal or approach the high standards of those already mentioned. The editors deserve high praise for their accomplishment in assembling this *Festschrift.* The bibliography of Professor Cushman's writings lacks at least one major item known to me (his contribution to Leonard White's *The State of the Social Sciences*), but this is entirely too minor a flaw to permit it to becloud the fact that this volume is, in every other respect, worthy of the man it honors.

FRANCIS H. HELLER.

University of Kansas.

The American Communist Party: A Critical History (1919–1957). By IRVING HOWE AND LEWIS COSER. (Boston: The Beacon Press. 1958. Pp. x, 593. $6.75.)

This history and interpretation of the American Communist Party is the first intellectually respectable, full-length treatment of the American movement to appear in print. It is not to be compared with the projected series of the Fund for the Republic under the editorship of Clinton Rossiter. Theodore Draper's history up to 1945 (one volume is already available, the second is projected) contains greater detail and has greater narrative power. The other volumes of the Fund for the Republic Series will contain far more information on the penetration of the Communist party among intellectuals, youth groups, minority groups, and trade unions than Howe and Coser could possibly provide in a single volume. Nevertheless, because of its broad coverage and generally good quality it will stand for some time to come as the major single book on the American movement.

It is unfortunate that these penetrating and more balanced studies of American Communism should be appearing now when feelings are cool and that the field of American Communist Party "scholarship" was dominated in the McCarthy years by the vast output of Congressional Committee hearings and books by former party members and FBI agents. Now this literature is to be matched by a small library of scholarly studies of the scope and significance of Communist activities, successes and failures, field by field, era by era. The fearful image of American Communism of the early 1950's, conjured out of some valid information, a good measure of sordid politics, the projective needs of some politicians, and the cowardice of others, may be confronted with more judicious appraisals. One could take quiet satisfaction in this correction of the record were it not for the fact that the events of those years produced distortions of public policy from which this country has not yet recovered and that thousands of helpless, naive, and confused people were made to suffer hurt and humiliation in the name of this nightmare, along with the relatively small number of the culpable and dangerous ones.

The book begins with a brief account of American radicalism in the years immediately preceding the formation of the American Communist Party, moves to an account of its early years of factionalism, the Stalinization of the Party, the extreme leftism of the first depression years, the era of the popular front, the strategies of World War II, and the repression and collapse of the last decade.

A final chapter proposes a general theory of Stalinism. It is persuasively argued, but, like most such efforts which seek a single theme to account for the varieties and forms of Communism, it must in the nature of the case be so general a theme as to have little discriminating power. Howe and Coser begin with Marx's theory of "alienation" and then move on to the phenomena of social disorganization and acculturation that produce alienation. They then proceed to group under this category certain elements among immigrant populations of the United States, the alienated working classes of France and Italy, and the half-westernized intellectuals of the "underdeveloped areas." It is an open question whether a useful scientific purpose is served by leaving a theory of Stalinism in the form in which Howe and Coser leave it. After discovering the common elements of all forms of Communism, the really useful job is to specify the differences and in particular those differences that effect the prospects and character of Communist movements.

Thus acculturation can include the phenomena of assimilation of immigrants into American culture, as well as the westernization of elements in non-western societies. But this makes the American Communist Party, for the overwhelming majority of Americans who have passed through it, simply a "way-station" on the road to Americanization. For the non-western intellectuals, on the other hand, Communism becomes an attractive vehicle for rapid and effective westernization. It is of little use to lump these motivations under the heading of alienation and "*ressentiment*" since the starting points and the goals are so radically different. And the French and Italian stories are different yet again.

One great service that Howe and Coser have performed is to lay to rest finally that erroneous and harmful theory of Communism with which Sidney Hook has been most prominently associated. They recite again the extraordinarily high rate of mobility of the American Party membership and refer to evidence as to the shallow indoctrination received by the overwhelming proportion of the rank and file during the history of the movement. To have viewed party membership as evidence of participation in the Communist conspiracy, in the form proposed by Hook, is simply grotesque.

GABRIEL A. ALMOND.

Princeton University.

The Philosophy and Policies of Woodrow Wilson. EDITED BY EARL LATHAM FOR THE AMERICAN POLITICAL SCIENCE ASSOCIATION. (Chicago: University of Chicago Press. 1958. Pp. xv, 267. $5.00.)

Earl Latham was assigned the task of selecting from among scores of essays written about Wilson in the centennial year of his birth a group of the most significant that would warrant publication by the American Political Science Association, of which Woodrow Wilson was a founder and early president.

Arthur S. Link, Raymond B. Fosdick, A. J. Wann, Richard P. Longaker, John Wells Davidson, Arthur W. Macmahon, Lester V. Chandler, John Perry Miller, William L. Langer, Charles Seymour, Robert E. Osgood, Roland Young, George B. Galloway, Marshall E. Dimock, and August Heckscher are the authors of the selected essays. They do not agree as to what, in sum, Wilson's philosophy and policies were. Was he a liberal or a conservative? Was he a democratic leader or an autocratic one? Was he fundamentally an intellectual leader or merely a leader in action? The disagreements among the fifteen authors lead me to the conclusion that a reviewer cannot in any small compass attempt a balanced assessment of the volume as a whole. He must beg the question and say that it should be read in its entirety.

Each of the essayists was assigned a particular phase of the phenomenon of Woodrow Wilson. The essays fall into four general categories: The President and his Education; Wilson and the New Freedom; Wilson and Foreign Policy, and The Perspective of Three Decades. They follow Wilson from the cradle to the grave and beyond. Some of them concern Wilson the man; others, Wilson the educator; and, indeed, all of them, Wilson the leader.

So far as Wilson's leadership in the educational field is concerned, there can be no doubt that while he himself was an actor on the stage he was a controversial person in the older connotation of that word: that is, a leader in controversy. He undertook to win the battle by every possible use of his highest talents of strategy and tactics, toward the end of obtaining total victory over his opponents. It now seems difficult to understand just what were some of the elements of this struggle. Wilson's leadership in education seems to be now discussed with a quietude still entirely lacking in discussions of his role as a leader in politics.

Here among these essays one can find a picture of Wilson stern, aloof, unapproachable, and self-righteous, never hesitating to take the devious route toward his objective as well as professing the highest moral purpose. Here also will be found the picture of Wilson devoted in thought and deed to the highest moral purpose measured by the most rigorous standards of thought and conduct and, withal, a person of warm, human sympathy, a compassionate man, a leader who educed from his students a warm response to his own affection for them. We find a Wilson who ignored "social justice" as well as a Wilson who was the passionate advocate of "social justice."

Similarly we find Wilson a man full of contradictions, who gave voice to varying and inconsistent views on the government of the United States and especially on the respective roles of the Congress and the President, a man who said one thing and did another. We find Wilson a man ever growing with increased opportunity for observation and with increased participation in the realities of politics, changing his position to accord with the changing times. In politics, we find Wilson the stern Calvinist whose deep religious conviction of his own high morality made him unable and unwilling to see any other side to a question save that which he himself espoused. And, at the same time, we find here the Wilson who was forever compromising, who could not be depended upon to stick to his proclaimed or professed principles. Here we find even the Wilson who wrote so much that he can be quoted on so many different sides of so many questions that it is easy to point out his shallowness; or, by the same token, who set each change of opinion in the framework of contemporary events, demonstrating his understanding of the changing influence of changing events not only upon men's passions but upon their true interests and their highest purposes.

We find the Wilson who was a successful leader in domestic affairs, for years the province of his study and thought and writing, but also the Wilson who, a deluded knight errant, set out to reform the evils of the world in the international field, of which he had been and continued to be woefully ignorant. Last of all, we find him, in the field of international affairs, assessed both as an ignominious failure and as a heroic and tragic victim, not of his own leadership, but of the failure of the led.

Perhaps nowhere else is the Wilson who is still alive, the Wilson who is still a leader, more succinctly described than in some of these essays in respect to the Presidency and to the continuing efforts to achieve a Concert of Nations. Here one can discover not only what scholars appraise as his permanent success but equally the influence of his shortcomings and even of his most tragic failure upon the conduct of his successors. Here also one will discover, discussed sometimes explicitly but more often implicitly, the qualities of Wilson as Chief Administrator as well as those he exhibited as Chief Executive, Chief Diplomatist, Chief Legislator, Chief of Party, and Commander-in-Chief of Arms. Here also is discussed Wilson as the leader of men, the Wilson who essayed directly to lead his own country and other countries despite the limitations of constitutional political structure, the Wilson who went over the heads of parliaments and prime ministers alike to appear directly to the people. And again, Wilson is pictured both as a success and as a failure.

What one can make of all this probably no one can state better than does Professor Latham in the concluding paragraph of his introduction to the volume that he has edited with meticulous and intelligent care. "Woodrow Wilson, therefore, is not only an exemplar of the intellectual in political life, but he stands also for the best in the American liberal tradition. This tradition rates high the integrity of common men, the improvability of social life, the value of the human personality, and the use of social techniques to promote these ideals. It moves by the patient adjustment of interest upon interest and makes life viable through toleration and compromise, which are not pejorative words except for those who generalize from the immediate and the temporal, and who make absolutes out of accidents. It appeals to the intelligence, to the adjudicative and rational faculties, although it is not the innocent that its traducers make believe it is about the wickedness of the wicked. It is empirical and open, not obscurantist and superstitious. It is humble about the truth and hostile to arrogance, whether born in class spirit or rooted in theological bias. It is more a temper and an attitude than a dogma and a creed. But it does not lack the supreme morality, which is charity through understanding, without patronage or bigotry, with deliberate and condign force to keep open the system through which each finds his own salvation."

LOUIS BROWNLOW.

Washington, D.C.

The Electoral College. BY LUCIUS WILMERDING, JR. (New Brunswick, N.J.: Rutgers University Press. 1958. Pp. xiii, 224. $5.00.)

The author has produced an excellent historical description of the electoral college and has demolished two popular myths. First, he shows that the Founding Fathers never intended presidential electors to choose a President according to their own will without popular control. He cites not only Republicans but also such Federalists as Alexander Hamilton and Timothy Pickering and points out that Daniel Carroll and Rufus King later went so far as to declare that popular election is the only constitutional method of appointing electors. Second, by examining the Senate's debates in 1803, he shows that the Twelfth Amendment looked forward to preventing the election of a Federalist Vice President in 1804 rather than backward, as is commonly supposed, to the election of 1800.

Mr. Wilmerding carefully describes how the errors, insincerity, and factious intrigues of state legislatures produced the most imperfect electoral systems before 1836. But he seems to betray an undiscriminating veneration for Congressmen of the same period when he examines the general-ticket system, which gives all of a state's electoral votes to the presidential candidate who polls a popular plurality in that state. Largely by quoting these early Congressmen, he attributes all sorts of "evil results" (e.g., the lack of great national parties, pp. 92 f.) to the system and seemingly fails to realize that these "evils" may have been at least partially caused by the civil war, federalism, and sepparation of powers. On page 84, we read that these early statesmen had "a truer and clearer view" of the system than more recent observers have had. Serious arguments of the system's modern defenders (Robert A. Taft, Homer Ferguson, Paul H. Douglas, *et al.*) are largely ignored, parodied, or labelled "indecent" (p. 148). That most of the system's aberrations (pp. 73–77) have been precluded in twenty-eight states by adoption of the presidential short ballot is also ignored. The author objects to the influence that the system gives to the minorities that form a majority within a state (pp. 88 f.) but decries the system's failure to give electoral votes to the minority party in the state (pp. 82 f.) and even argues that non-voters should be represented in the electoral college.

A curious argument, based on eighteenth-century ideas of virtual representation, is the key to most of this book. The author rejects direct election of the President by a nation-wide popular vote, largely because this system equates the will of the people with the will of the voters and takes no account of non-voters. Indeed, he even argues that southern Negroes are "constructively represented" by southern whites (pp. 109 f). It is assumed that locality produces a community of interest, that the Federal Government's policies will redound to the benefit or detriment of voters and non-voters in a given locality alike, and, therefore, that equal masses of population (not equal numbers of voters) are morally entitled to equal votes in the electoral college. Although this proposition is based on some questionable assumptions, it is the author's principal argument against the general ticket system (ch. 4), against direct popular election (ch. 5), and against proportional representation (ch. 6).

Devotion to the idea that "equal masses of population should have equal representation" has led the author to devise a proposed constitutional amendment based on this so-called principle. Although the "principle" would logically require the abolition of two electors in each state, their state-wide election is his reluctant concession to the federal compromise. The amendment would require every other elector to be chosen in a single-member district composed of compact and contiguous territory and containing approximately the number of persons necessary for the state to receive a seat in the House. Because these standards would be sanctioned by constitutional injunction, the author argues, state legislatures might be expected to desist from gerrymandering (pp. 155–157). Two other idealistic, if naive, solutions for the gerrymandering problem are that the amendment would empower Congress to alter districting laws and that each state could easily establish a non-partisan boundary commission to district the state (pp. 157–159).

Six advantages of the district system are asserted but not proved (pp. 133–136), and the obvious answers to these assertions will occur to the reader. In short, the district system is venerated not only because it conforms to the principles of virtual representation but also because it was sanctioned by various pre-bellum Congressmen and because its incorporation into the Constitution would prevent state legislatures from arbitrarily changing from one system to another (pp. 133, 140). The author should be remainded that this possible but improbable caprice of state legislatures could also be prevented by incorporating either the general ticket system or direct popular election or proportional representation into the Constitution.

RUTH C. SILVA.

The Pennsylvania State University.

Education for Administrative Careers in Government Service. EDITED BY STEPHEN B. SWEENEY AND THOMAS J. DAVY WITH LLOYD M. SHORT. (Philadelphia: University of Pennsylvania Press. 1958. Pp. 366. $5.00.)

This volume consists chiefly of the staff papers and discussion summaries prepared for two workshops on the role of state and local administrators in policy-making positions and for a conference on education and training for administrative leadership, features of a program conducted during 1956–57 by the Fels Institute, University of Pennsylvania. One workshop was organized in cooperation with The International City Managers' Association, the other in cooperation with The American Society for Public Administration. Papers for the workshops were prepared by members of The Fels Institute staff. Papers for the following conference of educators were prepared jointly by members of The Fels Institute staff and other scholars.

Reversing the chronology of events, the editors present in Part I the papers and discussion summaries for the conference of educators, in Part II the workshop papers and summaries. Preceding the conference papers is a survey of the organization of public administration instruction by Lloyd M. Short, who served as general consultant. The papers themselves discuss trends in the study and teaching of public administration; subjects and emphases in public administration curricula; teaching methods, both course instruction and field experience; the training of functional specialists for administrative leadership; and the respective roles of educational institutions and government in the training process. Also included in Part I are an address by John A. Perkins summarizing the conference proceedings and a University of Pennsylvania Commencement Address by Governor Leader on "Partnership for a Better Public Service."

The papers in Part II discuss the administrator's leadership role and responsibilities, and the kinds of knowledge and basic skills he ought to possess. Supplementing these papers is a lively address on administrative leadership in state and local government given at The Fels Institute on an earlier occasion by Stephen K. Bailey.

The conference and workshop papers, the editor explains, "were the result of concerted staff effort." Each one is, in a sense, a summary of current best thought on its particular subject. The tone throughout is objective. Proposals and suggestions are modest and are advanced with due restraint.

The volume is replete with summaries. This is particularly true of Part II in which an introductory chapter summarizes succinctly the workshop findings. There follow four chapters in each of which, section by section, are interspersed staff presentations, sometimes in outline form, and discussion summaries.

The most interesting feature of the book is what its contents reveal, explicitly or implicitly, about the role of public administration as an academic discipline in the education and training of administrative leaders. The role that emerges is a modest one indeed. Why is this so?

Administrators and educators agree that policy-making administrators need to have a great variety of knowledge and skills. Although the study and teaching of public administration have undergone highly significant transformations, illuminated in Wallace Sayre's compact paper, no one contends that the discipline, however broadly conceived, can furnish more than a small portion of the education an administrative leader ought to have. Responsibility for the education of administrative leaders rests on the educational system as a whole.

Even more significantly, relatively few policy-making administrators receive much academic training in public administration. To be sure, many individuals prepare for the public service by enrolling in public administration programs at the Master's level. But many of these do not remain in the public service and, of those who do, many serve only as administrative staff specialists. The great majority of policy-making administrators come from the ranks of specialists educated as engineers, scientists, doctors, lawyers, social workers, and so on. However desirable it may be that these professionally educated specialists receive pre-service training in public administration, the fact is that few do. And, whatever its future, the present role of post-entry education in public administration is a minor one.

The volume does not set out to create the above picture. But the picture is there, reflecting the fact that public administration as a discipline has achieved maturity. With maturity has come some waning of earlier enthusiasms. The tone is one of sober disenchantment, not despair. The exciting vision of training *the* leaders has given way to the prosaic prospect of playing a relatively minor part in the background of *some* leaders.

This is not an inspiring prospect, compared to the earlier vision, but I believe that public administration as a discipline will not only have a healthier growth for recognizing it, but will contribute more to the education of administrators as well. So, too, this is not an inspiring volume, but in it one can find much in the way of honest appraisal, sharp questioning, and good sense.

HUGH L. ELSBREE.

Library of Congress.

The Structure of Freedom. BY CHRISTIAN BAY. (Stanford, Cal.: Stanford University Press. 1958. Pp. xii, 419. $7.50.)

The science of political behavior has tended to become quite literally the study of power and has consequently paid little attention to the reverse side of the coin, namely, freedom. The present work attempts to fill this gap by analyzing freedom in terms of human action. The author approaches his task with a broad knowledge of the relevant writings in all branches of the behavioral sciences, enumerated in an eighteen-page bibliography. Guided perhaps by what is considered in some quarters to be the hallmark of scholarly endeavor, he devotes so much space to relating the contributions of others (footnotes in each chapter run into the hundreds) that it becomes often difficult to extract his own thoughts and to discover an orderly connection.

In line with the tradition of British Idealism and with the views of Erich Fromm, Bay takes "freedom" as a synonym for "self-expression" or "self-realization." He distinguishes between absence of internal obstacles to self-development, such as neuroses and anxieties ("psychological freedom"), and the absence of external restraints upon an individual's activities, either perceived by the latter as such ("social freedom") or not (freedom from manipulation or "potential freedom"). In contrast to most writers on liberty, Bay spells out his valuational assumptions. His ultimate goal is "the fullest development of all human potentialities and faculties, in so far as they are nondestructive and not mutually incompatible" (p. 15). This requires "a maximum freedom of expression for all," which hence becomes "the supreme political value" (p. 6). Democratic institutions, economic well-being, national security, relative absence of coercion and manipulation are valuable in so far as they tend to maximize freedom of expression. Bay examines the political, economic, and especially the psychological conditions that are conducive to freedom. His main concern is with the promotion of the free, as opposed to the authoritarian, personality type, which he considers a function of early childhood experience; hence his emphasis on the findings of psychoanalysis, learning theory, and social psychology rather than on the contributions of political science. Questions must be raised, however, on the definitional, normative, and empirical level.

Bay believes that "an operational definition of 'psychological freedom' is impossible at the present stage of our knowledge" (p. 85) because such a definition must refer to human motivations, which are inaccessible to direct observation. Yet he quotes numerous writings in psychology which indicate how motives can be inferred from observed behavior. Surely, "atom" is an operational concept even though it is only indirectly linked to observational data. Bay's definition fails to be operational for another reason: it is made up, to a large part, not of descriptive terms but of value words (italicized throughout by the reviewer) which lack unambiguous empirical reference: psychological freedom means "degree of *harmony* between basic motives and overt behavior" (p. 83), "a *fundamentally integrated* personality . . . in which a *successful* solution has been found in the conflict between biological drive and social conscience" (p. 86), a person's capacity "to develop his *potentialities*" (p. 15). Accordingly, neurotics are unfree, and so are dictators and those whom they manipulate. Dictators are either neurotics or unsuccessfully integrated. Yet hero worshipers may consider an absolute ruler the prototype of a well integrated person who has developed his potentialities. Imperceptibly, freedom becomes an "ideal" according to which "*antisocial* impulses . . . should not necessarily be permitted to lead to antisocial acts" (p. 88). So Bay's definition amounts to: freedom is acting as one ought to. Since the italicized words have different meanings to people with different value commitments, Bay's commitment to freedom as the supreme value is vacuous, and his definition is unsuited for making meaningful statements about freedom, either empirical or normative.

The definition of social freedom as "the relative absence of perceived restraints" (p. 88), while operational, is hardly fruitful. It follows that well indoctrinated members of an Orwellian society are free (as Bay implies, p. 253). Political science is primarily interested, not in freedom as a subjective feeling, but in freedom (and power) as an objective interpersonal or intergroup relationship. Furthermore, Bay speaks about maximizing freedom and degree of freedom without supplying any definitions for these expressions.

Bay fails to specify the set of alternative goals from which he selects freedom. For example, had he examined the problem whether liberty is compatible with happiness (cf. The Grand Inquisitor), his own view—that to be unwittingly manipulated is worse than to be knowingly restrained (p. 125)—would have assumed greater significance. Bay plays down conflicts between liberty and economic or national security and disposes of the problem of competing liberties by resorting again to undefined, hence empty, value words: freedom demands should be implemented, "except in so far as they conflict with *more basic* human rights" (p. 374); "coercion can be justified only if it serves to reduce the occurrence of *worse* kinds of coercion" (p. 94); "freedom of political speech . . . should be maximized as far as possible, without empirically *unnecessary* limitations" (p. 143).

By claiming that freedom of expression (does it mean "self-expression" or free speech?) is objectively valuable because it corresponds to a "universal human need" (p. 371), Bay commits the fallacy of deducing what is desirable from what is desired. But even if there are generally accepted values, freedom is not one of them. It is not true that "no matter what values men hold, the freedom to pursue these values is important to them" (p. 15). Freedom to do something implies freedom not to do it. Zealots of a particular faith are often opposed to freedom of religion. And those who do value freedom of opinion often rank other liberties, or goals other than freedom, more highly.

Bay holds that "the more psychological freedom, the more social freedom" (p. 311), because those in power will not act tyrannically and the governed need not be restrained from performing antisocial acts. Because of the present level of psychological freedom, the State cannot yet wither away. "As an ultimate goal of political development, however, the abolishment of coercion is a realistic ideal. . . " (p. 312).

Many other of the author's conclusions are likely to be questioned. The book must nevertheless be considered an important and useful contribution to analytic political theory because for the first time it brings to bear the findings of the various behavioral sciences on the problem of freedom.

FELIX E. OPPENHEIM.

Princeton University.

Authority. EDITED BY CARL J. FRIEDRICH. (Cambridge, Mass.: Harvard University Press. 1958. Pp. viii, 234. $5.00.)

It is the nature of analysis to distort the ambivalence of human motivation. Analysis thrives on definite intent, on consistent purpose. Intent and purpose themselves, however, are ambivalent. And ambivalence emerges as the involuntary theme of this collection, from an opening assertion by Charles W. Hendel that "we oscillate between two moods with respect to authority, one resentful, one welcoming," to the conclusion by E. Adamson Hoebel that "resistance to authority, along with its acceptance, is implicit in all social relations." The quality of the contributions is as diverse as is usual in symposia, but in general disappointing essays are produced by the authors who refuse to admit the ambivalence of authority. These theorists insist that unique definitions are essential to formal analysis; but to rob authority and kindred concepts of their natural and traditional ambiguity is to render them sterile.

The two most enlightening essays are Hendel's "Exploration of the Nature of Authority" and Carl J. Friedrich's "Authority, Reason and Discretion." The former is a lucid quest for the meaning of authority in the experience of mankind. Authority is discovered to be a quality that the law possesses in virtue of the fact that it stands for the public claim, and it is characterized as sustaining power for the whole community. Its necessary consonance with the public claim means that authority is always a limited right and power and cannot be absolute. In contrast to sovereignty, authority should be conceived "as power vested in a *determinate* agency, either in the law or in the various bodies that perform the functions of government. The people or nation are the great indeterminate reservoir of all the power that is so put to work."

Friedrich argues that authority and reason are closely linked, that "authority rests upon the ability to issue communications which are capable of reasoned elaboration." Authority is not power, but it may cause the latter. The exercise of discretionary power presupposes the possession of authority, because it is generally assumed that a person vested with power to exercise discretion will be able to give reasons for what he has done. Authority is never absolute or total because no absolute truth or total reason exists, and "the reach of authority is forever confined to the reach of reasoning."

These two essays share Part One, "Authority in General," with contributions by Herbert J. Spiro, Jerome Hall, and Frank H. Knight. Spiro suggests that in western political systems a shift of emphasis from substantive to procedural sources of authority has taken place. Hall emphasizes the dichotomy of meaning that assumes that it is always possible to challenge official authority and to be supported in that effort by other, legal authority. Knight argues that the ideal final authority of truth, right, and good taste has to be expressed in laws, interpreted and enforced by human agents with power, and that thus the fitness of leaders for responsibility is a main problem for liberal ethics.

Part Two, "Authority in Historical Perspective," contains an interesting elaboration by Norman Jacobson of the thesis that there is no unique American image of political authority that is truly substantive. Wolfgang H. Kraus suggests that the very concepts and practices of authority of the *ancien régime* that crumbled in Europe under the impact of Enlightenment and Revolution reappeared within the rapidly expanding system of colonial rule over non-western peoples. Hannah Arendt contributes a long lament for the conception of authority as deriving from the historical act of foundation and asserts that authority in this, its only true sense, has vanished from the modern world. There is also an incredibly profuse assortment of references gathered by G. E. G. Catlin under the title "Authority and Its Critics," notable chiefly for such random assertions as that Hitler modeled himself on Rienzi.

With the exception of Hoebel's informative disquisition on "Authority in Primitive Society," Part Three consists of the disappointing attempts to treat authority without ambiguity, under the general heading "Authority in Socio-Political Perspective." Bertrand de Jouvenel sets the tone by complaining that we "lack the first requisite of a science—a vocabulary of uniquely defined terms." He then defines authority as an efficient imperative. David Easton assumes a measurable discrepancy between the popular image of existing authority and of desirable authority; he advances the hypothesis—and stultifying conclusion—that "to the extent that political authority depends for its persistence . . . on acceptance by the bulk of the members of the system, knowledge of the distance between images will provide us with a direct clue to the stability of the structure of authority." Talcott Parsons plunges the reader into the abstract order of the Parsonian system, in which authority is conceived as "an institutionalized complex of norms . . . which on a general level define the conditions under which, in the given social structure and given statuses and situations within it, acts of others within the same collectivity *may* be prescribed, permitted or prohibited."

The book, subtitled *Nomos I*, constitutes the first of a projected series of annual publications of the American Society for Political and Legal Philosophy. Future volumes would profit from editorial introductions of the contributors; from wider representation of distinguished theorists; and from editorial discipline of the annoying tendency of some contributors to rest part of their case explicitly on points they have made somewhere else.

STEVEN MULLER.

Cornell University.

Problems of the New Commonwealth. BY SIR IVOR JENNINGS. (Durham, N.C.: Duke University Press; London: Cambridge University Press. 1958. Pp. xi, 114. $2.50.)

Every other year nowadays seems to produce another slim volume of lectures by the Commonwealth's leading student of constitutions, constitution-making, and constitutional processes. In the present series, delivered at Duke University's Commonwealth Studies Center in 1957, Sir Ivor Jennings reminds us (though not explicitly) that he is as much the political scientist as the constitutional lawyer, for these lectures are concerned with politics, not law. Law is of course, in his view, a creature of politics and his concern here is with the political and economic factors that have influenced both law and public policy in the nascent dominions of the Asian Commonwealth.

In 1951 Sir Ivor published a comparable volume entitled *The Commonwealth in Asia* in which he undertook a preliminary examination of the recently emerged and rapidly developing independent Commonwealth nations of Asia. This book, as he suggests, may be considered as a sequel to that earlier volume and as a companion to his *The Approach to Self-Government* of 1956. In a world and continent so rapidly changing, there is every reason for a new assessment after half a dozen years. The Commonwealth is not what it was before the war, nor indeed what it was in 1951. Events move quickly, perhaps all too quickly for the good of the peoples of these very nations that have provided the major impetus for the rapidity of constitutional evolution in the Commonwealth. Sir Ivor has a few regrets about all this speed and he is perfectly willing to blame a share of it (with perhaps unintentional irony) upon the British themselves. If Lord Mountbatten had not moved so swiftly in the transfer of power in India, if Colonial Secretaries were not so anxious to disclose new constitutional agreements to an admiring House of Commons, if Burma had had just a year or so more time. . . . But these are vain regrets and he wastes little time upon them. The important thing is to determine whether the experience of these events can be put to use, in guiding future policy in Asia and in managing the transformation of other dependencies into self-governing dominions.

The book is informed, informative, urbane, and often wise. Its author is concerned with observations and insights rather than with a continuing theme of argument. His first chapter is labelled "Political Considerations" and is, he says, addressed to historians; his second is called "Economic Considerations" and is addressed to economists; the third is called "Nationalism and Racialism" and is addressed to political scientists. All of which is rather unfortunate: there are more and shrewder political insights in the first two chapters than in the third. From his study and, more especially, from his active participation in events, Sir Ivor lays down four conditions that must be satisfied before power is transferred: an educated elite, an adequate settlement of the internal balance of power, the use of a transitional constitution, and the permeation of the public service by local men. These were not always satisfied in Asia or elsewhere and he is careful to add the admonition that Asian experience cannot be relied upon to supply valid precedents for East and Central Africa. For the economists he casually but earnestly refutes the oft-repeated charge of economic exploitation of the colonies by Britain and explores the impact upon the wide cultural diversity of the Asian colonies of economic development under British rule. Most significantly, he analyzes the prospects of economic stability and growth in the Asian dominions, calling special attention to the lack of sufficient diversification and the too great dependence upon the (ill organized) production of primary cash crops. Students of Commonwealth and of Asian affairs can scarcely fail to give his observations the most careful attention, not only because of the author's prestige and influence, but because of the sound good sense of the things he has to say.

The third chapter, on "Nationalism and Racialism," is much weaker. So long as Sir Ivor confines himself to the grouth of nationalist sentiment, racial animosities, communalism, and the barriers of language, religion, and tradition, he maintains the same high standard. When he moves from these problems into the arena of world politics, his analysis appears to falter. Perhaps he tries to do too much in too little space or perhaps it is merely that he is at his best in the analysis of internal or imperial relations; one might wish him an extra chapter to put in fuller form his views on the relation of nationalism to international politics. But these are small objections, and to observe that Sir Ivor Jennings has not invariably maintained the same high standard is to praise him with very faint damns indeed.

The book is a first rate contribution to the analysis of a complex and significant subject. It makes no pretense of solving the problems of the New Commonwealth, but one can scarcely read it without a richer sympathy and a deeper understanding not only of the Asian dominions and their problems but of the British attitude and policies that led to their establishment.

WILLIAM S. LIVINGSTON.

The University of Texas.

BOOK NOTES AND BIBLIOGRAPHY

AMERICAN GOVERNMENT AND POLITICS

The Supreme Court from Taft to Warren. By Alpheus Thomas Mason. (Baton Rouge: Louisiana State University Press. 1958. Pp. xv, 250. $4.95.)

Practically ever since Charles Warren published his excellent work on the history of the Supreme Court to 1918 there has been a need, growing greater year by year, for a continuation of that story. One cannot say that Professor Mason has now filled that need, but a real contribution has been made toward filling the gap. However, this is much more of a monograph on judicial attitudes than a comprehensive history of the period in the Warren fashion. It is an extension of a series of lectures delivered by Professor Mason in 1957 at Louisiana State University.

The book opens and closes on the same theme, what the author calls "the cult of the robe" or "the realities of the judicial process." He has a thesis to prove and does a good, scholarly job of it, a job for which he is eminently well fitted as the biographer of Mr. Chief Justice Stone and Mr. Justice Brandeis. While scholarly, the book is most appropriate for a wider audience than the strictly academic. It reads easily, and there are even a few newspaper cartoons to emphasize points. The approach is basically chronological, but the author does not permit himself to be confined within strict limits. There are frequent pertinent references to both previous and later occurrences as the story progresses.

One of the better portions of the book treats of the Court's attitude toward property rights as against "First Amendment rights." The preferred position given to the latter after 1937 is the subject of a very able presentation. The author credits Holmes and Brandeis with putting the "preferred freedoms doctrine" into modern context. In its most advanced stage, this doctrine involves a presumption of invalidity against all legislation relating to First Amendment freedoms. Adherents of this doctrine regard such laws as "legislative intrusions that prevent effective functioning of the political processes" (p. 142). Professor Mason makes the solid point that those who emphasize the First Amendment freedoms are on more basic constitutional ground than those whose preference runs to property rights, since the only constitutional safeguard to property is "due process of law" while the First Amendment sets forth the specific injunction that "Congress shall make no law. . . ."

Another valuable portion of the book deals with the seemingly ever-recurring question of the Court and policy-making, Professor Mason attempts no theoretical cover-up, but blandly presents the Court as a sort of super-legislature giving final review to legislative matters on the basis of subjective reason rather than legalism. He points out that when the Court is "confronted with an important political issue, a judicial decision in favor of Congress or the President or no decision at all is a political determination." The matter seems to resolve itself, as do so many arguments, into a question of a definition of terms. In this instance, what is policy-determination?

There appears to be no real attempt here to achieve the academic objectivity one might wish to see. The author makes no secret of his approval of the role of the Court as a "continuous constitutional convention" which can amend the Constitution "without submitting its proposals to any ratification or rejection" (p. 190). This view overlooks the basic legal fact that the Court is supposed to interpret and apply the Constitution as it exists at a given moment, leaving actual amendment to the proper processes as set forth in the instrument itself. All of which brings us back to the point that, of course, the Court exercises a policy-making power, and properly, but there is hardly justification for the plenary scope and the *de novo* approach used by the Court on occasion and applauded by persons outside the Court chiefly because certain decisions please their own predilections.

There are very few errors of fact in the book. The case of *Trop vs. Dulles* (356 U.S. 86, 1958) should be added to the list of cases decided since 1937 in which acts of Congress have been declared unconstitutional (p. 212, n.). The implication in the statement (p. 207) that Congress has altered the size of the Court to bring about a "packing" of the Court can well be questioned.

The book is well-documented, but, in the modern trend, the references are in the appendix, a most inconvenient place for the reader. These reference notes contain valuable portions of the book which the casual reader may miss, as, for example, those on pages 231–233 concerning Jefferson and judicial review. There is an index.—Paul C. Bartholomew, *University of Notre Dame.*

The Supreme Court as Final Arbiter in Federal-State Relations, 1789–1957. By John R. Schmidhauser. (Chapel Hill: University of North Carolina Press 1958. Pp. viii, 241. $5.00.)

In writing about legal matters, especially the work of the United Sates Supreme Court, political scientists have tended to minimize their own professional interests and techniques and to "out-lawyer" the lawyers in citations and footnotes to every minute case. Professor Schmidhauser's book has both the strengths and weaknesses that are by-products of the compulsion to leave no case uncited even when space forbids a full examination of its background and implications.

In less than 250 pages, Professor Schmidhauser has sought to examine the origin of the Supreme Court's power in federal-state relations and to analyze the manner in which the Supreme Court has exercised that power from 1789 to 1957. Utilizing a historical approach, his eleven chapters deal with the development of case-law doctrine in the entire field of federal-state relations by the Marshall Court, the Taney Court, the Chase Court, the Waite Court, the Fuller Court, the White-Taft Court, the Hughes Court, and the Court under Stone, Vinson, and Warren.

When one considers the body of the author's observations and conclusions, one is bound to note the careful and painstaking research that characterizes his work. Viewing the book in its totality, however, one cannot help feeling that the author has not completely fulfilled the task he set for himself. Two of the basic questions he raises at the outset are: "How well suited is the Supreme Court of the United States for its role as umpire in federal-state relations?" and "By what standards may the performance of the Supreme Court be measured?" The reader never really learns the answers to these questions.

It is certainly correct, as Professor Schmidhauser concludes, that the Supreme Court continues to exercise its power as guardian of American federalism, but the standards by which the performance of the court in this realm may be judged, or by which hypotheses about its future role may be formulated, remain nebulous. A number of potential standards are considered briefly but not fully developed. Should the standard be the partiality of the Court, the personal preferences of the justices, alleged "usurpations" of powers of the federal and state legislatures, doctrinal *versus* pragmatic orientation of the judges, agressiveness *versus* restraint in wielding the power to declare state acts unconstitutional, or what? At times the author indicates a preference for what he terms "balanced statesmanship" by the Court. His use of the term leaves one puzzled about its precise content, however. The term is not equated, apparently, with "intervening least," since the author includes the Taney Court but omits the Marshall Court from the list of those that have "intervened least, permitting both federal and state action to meet new problems but challenging either the nation or the state if constitutional limitations were clearly violated." None the less, both the Marshall and the Taney Courts are cited for "balanced statesmanship" in the exercise of the arbiter's role. Although overconcern with definition of terms can be a wasteful exercise, some additional precision and clarification are indispensable to proper evaluation and prediction about the Court's role in this instance.

How have the policies formulated by Supreme Court decisions in the field of federal-state relations compared with the policies of the executive and legislative branches in the same field? Our constitutional system of separation of powers poses the question whether any single branch of government really functions as "final arbiter"; but if the case is to be made that the Supreme Court does function in this capacity, there should be extensive comparison of the contours and efficacy of the Court's role with the contours and efficacy of the roles of the other two branches. The impact of the Grant and Roosevelt "packing plans" and of Congressional action, as reflected in the Court's withdrawal in *Ex Parte McCardle*, require more attention than Professor Schmidhauser has been able to provide in the space at his disposal.

Teachers of courses in American government will find unusual value in the book as a source and summary of cases in the field. Students of the judicial process will also find Professor Schmidhauser's observations helpful as sources for discussion and further research. His demolition of historical arguments for the interposition concept, to take but one example, is an effective stimulant to examination of the irrational nature of the relationship between law and politics.—Victor G. Rosenblum, *Northwestern University.*

Party Committees and National Politics. By Hugh A. Bone. (Seattle: University of Washington Press. 1958. Pp. xv, 256. $4.50.)

This book gives us, for the first time, a detailed description of the organization and activities of the eight national party comittees. The Reupblican and Democratic National Committees are discussed in the first four chapters. A single chapter is devoted to the four House and Senate Campaign Committees and another to the two Senate Policy Committees.

The approach is largely descriptive. The author feels that each of these committees, which make up our essentially unplanned national party organization, has found an important role to play. The role of the Campaign Committees is the most circumscribed of any. It is to help the parties' Congressional candidates win elections, and it is not directly concerned with defining party policy. The Senate Policy Committees are far less concerned with policy than the name implies. According to the author, they provide a means of broadening the base of Senate party leadership and of providing that leadership with much-needed staff assistance. The National Committees are the most complex of the various party organs discussed. They perform valuable functions in relation to party nominations and elections, "they have done about as well as can be expected" in integrating the various elements of the party, and they have played a limited role as policy spokesmen, helping to "crystallize, reinforce and sometimes even mold the views of the party faithful." Thus, each type of committee fulfills the housekeeping or "service needs" of the parties well. The Campaign and the National Committees, however, are less successful as developers of national party policy.

Mr. Bone is cautious in drawing conclusions and suggesting reforms. He knows that when a party is out of power nationally it operates otherwise than when it controls the government, and that the personalities of the party leaders involved make a great difference in the operation of party machinery. Further, he is aware that our constitutional pattern of federalism and separation of powers, as well as the size and heterogeneity of the country, make it difficult to create a meaningful, unified national party organization. He is so certain that "no one of the party's agencies is *the party*" that his suggestions for reform are extremely moderate.

He would like to see more important people —party and pressure group leaders as well as elected officials—chosen as members of the National Committees. He suggests that the national headquarters staff should be enlarged and made more professional. He would also like to see more continuity in Committee administration. If it seems inadvisable to have National Chairmen serve for greater lengths of time, since they must be able to work closely with the parties' Presidential nominees, deputy chairmen could serve as points of continuity in the administration of party affairs. Turning to the other national party organs, the author would tie the Congressional Campaign Committees more closely to the National Committees by means of more standardized financial relationships. He would encourage the formation of House Policy Committees and, by inference at least, the creation of joint House-Senate Policy Committees.

His analysis of the Democratic Advisory Council is such as to be discouraging to the authors of the American Political Science Association's *Toward a More Responsible Two-Party System.* They advocated a party council as a means of integrating various party agencies, but Bone sees no signs that Congressional party leaders could be persuaded to serve on such a body and thus help bridge a gap created by separation of powers. He suggests that the council device is most useful for the party that fails to control the Presidency and thus lacks a focal point.

If this is not an exciting book, our decentralized, amorphous party system should take the blame, not Hugh Bone. It is a study of considerable value to students of American politics.—George Goodwin, Jr., *University of Massachusetts.*

The Government and Administration of Ohio. By Francis R. Aumann and Harvey Walker. (New York: Thomas Y. Crowell Company. 1956. Pp. xiv, 489. $5.95.)

The Government and Administration of Delaware. By Paul Dolan. (New York: Thomas Y. Crowell Company. 1956. Pp. xvi, 396. $4.95.)

The Government and Administration of Iowa. By Russell M. Ross. (New York: Thomas Y. Crowell Company. 1957. Pp. xiv, 382. $7.00.)

The Government and Administration of New Jersey. By Bennett M. Rich. (New York: Thomas Y. Crowell Company. 1957. Pp. xiv, 415. $7.50.)

The American Commonwealth Series, edited by W. Brooke Graves, now comprises studies purporting to present complete descriptions and analyses of governmental institutions and procedures in each of ten states. Few will contest the appropriateness of the claim for thoroughgoing description in each of the four volumes most recently published, but there remains considerable opportunity and reason to quarrel with a similar assertion advanced in the matter of analysis.

Slightly more than two years ago (This REVIEW, L, 1956, 1164 f.), W. Duane Lockard, in appraising the forerunners to the works now under review, observed: "Description of functions and of administration are important elements of such textbooks, but it is regrettable that between one-half and two-thirds of each volume is devoted to these questions alone. This probably would not be such a detriment were the remaining portions more adequate, but unfortunately in all cases the least valuable parts are those discussing political and legislative matters." It is equally unfortunate in this instance to have to say alas and amen.

There is in each of these studies the unmistakable stamp of an editor who knew what he wanted and how to get it. Variations in assembly and organization of information in these several works are so slight as to be virtually indiscernible. The usual concern is manifested for geographic setting, historical and constitutional experience, and separation of powers into the traditional categories. Treatment given the legal and historical aspects of the four states is so detailed that the finished products exceed the compendious and approach the encyclopedic. Herein lies their value for persons whose interests may be isolated and particular or whose attention is held by the translation of constitution, code, and annual report into a descriptive narrative. Students of the American scene who seek better understanding of governmental processes may be tempted to make obvious comparisons between these works and the once-regularly recurring productions of Ogg and Ray in the national field a decade or two ago. If this can be construed as an indictment—and there are many who may regard it as quite the contrary—it is less applicable to Professor Dolan's contribution than to the others. One area common to all four volumes where there is an escape from the limitations of the form and structure approach is that dealing with Federal-State relations, especially those relations in the now-familiar grant-in-aid program fields.

Extended treatment of particular functions, most of which have long been regarded as state responsibilities, is also common to the four studies. But what is most disturbing is the disproportionately small consideration accorded those problems and activities heretofore catalogued as strictly urban concerns (e.g., housing, urban renewal and use planning, water supply, sewage treatment and disposal, etc.). With chroniclers as able as the authors in this series, one may properly infer that oversight on their part is not the explanation for the scarcity. If they did not report, they did not observe; if they did not observe, the respective states did not perform. Failure to perform or failure to perform promptly and adequately in these areas may hasten the day when a national Department of Urban Affairs will emerge as a potent threat to state eminence and usefulness. In that event, Professor Charles E. Merriam's statement that we need not apologize for our American states, which supplies, in part, the *raison d'être* for this series, will have a hollow ring indeed. Possibly future volumes in this endeavor will allay such fears; it is fervently hoped that they will.—GARY P. BRAZIER, *Western Reserve University.*

Cases in Constitutional Law. BY ROBERT E. CUSHMAN AND ROBERT F. CUSHMAN. (New York: Appleton-Century-Crofts. 1958. Pp. xxxvii, 879. $8.75.)

To those who know Robert E. Cushman's little volume, *Leading Constitutional Decisions*, which has gone through eleven editions, this latest arrival in the casebook field will be no stranger. This is basically the small book grown up, and that is high praise. Certainly the eleven editions of the small book offer adequate evidence that this has been probably the most valuable single book of its type.

In this "grown up" casebook the same approach is used as in the small one. An introduction to each case gives the background and a summary of other corollary cases. These "introductions" constitute the most appreciated feature of the smaller book, and most certainly the same will be true of this larger publication.

The sentimentalist will pause to note the unique father-son relationship in this collaboration. In his prefatory note of acknowledgments, the elder Cushman, one of the most highly-respected members of the profession, makes the point that "any book by two people is the product of prolonged mutual discussion, criticism, and adjustment. In this present case of family cooperation, however, it should be unequivocally stated that except for these discussions my share in this joint enterprise is essentially comprised in the materials borrowed from my two earlier books just mentioned. [*Leading Constitutional Decisions* and *Civil Liberties in the United States.*] Roughly one hundred new cases were edited and new notes written by my son, and these comprise fully two-thirds of the work."

The book is divided almost equally into two parts, the first dealing with organization and powers and the second with rights and liberties.

This arrangement suits very well a two-semester treatment, or, obviously, by adaptation, a one-semester course. While all persons who are "constitutionally literate" have certain favorite cases, there can be little ground for disagreement with the choice of cases here. Full treatment is given such important recent cases as *Pennsylvania vs. Nelson, Yates vs. United States, Watkins vs. United States,* and *Ullmann vs. United States.* The size of the book encourages the assignment to students of additional cases and materials by way of rounding out a full treatment of American constitutional law.

There is a table of cases in the front of the volume, the text of the Constitution of the United States is in the appendix, and there is an index.—PAUL C. BARTHOLOMEW, *University of Notre Dame.*

The Early Jackson Party in Ohio. BY HARRY R. STEVENS. (Durham, N. Carolina: Duke University Press. 1957. Pp. xi, 187. $4.50.)

This is principally an account of the successful effort to organize a Jacksonian faction in Ohio between 1820 and the fall of 1824. It is replete with names, dates, and places. At one point the author says that "the relevant material is almost overwhelming in quantity." One may wonder at the use of the qualifier "almost."

The author offers a number of interesting conclusions and observations. Among the clearest are these: the Jackson and Clay followings are not socially distinguishable; the Adams following was heaviest in the Western Reserve and in three southeast Ohio counties settled largely by New Englanders. Many of the other conclusions and observations are not well based on the data that precedes them. If they reflect the questions in which the author was truly interested, then it must be said that the study was not well designed.

But this is a suggestive account of the formation of a party. Although the author does not do a good job of analyzing his own evidence, one may discern an interesting pattern. Well before the election of 1824 it was evident that the congressional caucus would not control nominations, and the followers of various candidates began to arrange legislative nominations. In Ohio the supporters of Clay were able to get the state legislature to propose the name of their man, and they arranged a slate of electors from the state capital. As a result, the Jackson men were compelled to seek some other method to nominate Jackson and to arrange a slate of electors. They held a series of county meetings for the purpose, and in the process brought together various local politicans whose association evidently (although this study stops before the 1824 election) became relatively permanent. The followers of Clay were forced to hold local meetings in order to compete with the Jacksonians for local support; so parties were begun in Ohio.

Lowden of Illinois: The Life of Governor Frank O. Lowden. Vol. I, City and State. Vol. II, Nation and Countryside. BY WILLIAM T. HUTCHINSON. (Chicago: University of Chicago Press. 1957. Pp. xiii, 767. $15.00.)

This is an extended and authoritative biography by an historian. The career carefully recorded is similar to that of other leaders of the same generation. Born on a farm in Minnesota and raised in rural Iowa, Lowden entered a prominent Chicago law firm as a clerk and learned his law in night school. His reward was quick success at the bar, a burgeoning coporate practice, and marriage to the daughter of George Pullman, an event that aided him economically and complicated his political career. He was on the fringes of Chicago politics in the nineties, and made a strong but unsuccessful bid for the Republican gubernatorial nomination in his party's convention in 1904. He became Republican national committeeman and went to Congress for two terms from the rural Thirteenth District, where he had established residence on his "model" farm. He frequently followed the policies laid down by Teddy Roosevelt, but voted against the insurgents in the memorable battle of 1910. After a brief retirement from politics, he emerged as the Republican nominee in the 1916 gubernatorial contest, which he won. In 1920, of course, he was one of the strong candidates in the dramatic Republican convention of that year.

Lowden was an actor in political affairs of great and continuing interest to the student of American government. But the author stays very close to the words and deeds of his subject, which are frequently not very enlightening. There are few notable insights into the political environments and situations in which Lowden moved. And the personality of the man remains obscure. His view of politics was evidently unclear. The impression that remains is that he did not enter happily or successfully into politics of his time. His political forays were vigorously conducted but more often than not left him seriously exhausted. It is difficult for this reader to know why men followed him at all except as a safe compromise, an unexciting role which he did play on occasion.

A Cõrte Supreme e o Direito Constitucional Americano. By Lêda Boechat Rodrigues. (Rio de Janeiro: Revista Forense. Pp. 411.)

The Supreme Court of the United States and American constitutional law are the subjects of this work by a noted Brazilian scholar. He has adopted Professor Corwin's period sequence in studying the Court and its activities. For each of the four periods he has undertaken to analyze he follows a regular plan, discussing the important judges first and then following with a consideration of the economic, political, and social environment in which the Court found itself. Finally he discusses and analyzes the jurisprudence of the period.

The title of his first chapter is "The Supreme Court to 1835. Marshall and the Centralization of National Power." In the second chapter he deals with the Court from 1835 to 1895 and traces the formation of the "constitutional theories of laissez-faire." The third chapter covers the period from 1895 to 1935 and is subtitled "Government by Judges." The fourth chapter, "The Court from 1937. A Constitution of Powers," considers such matters as due process, separation and delegation of power, and the commerce clause. The author concludes with a short chapter on the Court in 1957. The book has a subject matter index, a case index, a bibliography, and a Portuguese translation of the Constitution of the United States.

The Federal Convention and the Formation of the Union of the American States. By Winton U. Solberg. (New York: The Liberal Arts Press. 1958. Pp. cxvii, 409. $1.75.)

Using Madison's Notes of Debate as his major source, the editor has compiled a useful documentary account of the Constitutional Convention for the student who may find more complete editions too cumbersome. In an introductory essay, Mr. Solberg summarizes the political theory upon which the Founding Fathers may have drawn, events leading to the revolution, experience in the State legislatures, and the struggle over ratification. He utilizes recent scholarship on the subject and is generally sound except for an occasional excess of patriotic ardor. A similar volume on the debates over ratification would be most welcome.

State and Local Government and Politics. By Robert S. Babcock. (New York: Random House. 1957. Pp. xviii, 430. $5.50.)

This is a short, simple, and attractively written textbook. One helpful innovation is the use of tables to present variations among the states in such matters as qualifications for voting and the apportionment of legislatures.

For those who prefer a traditional text, one that includes a great deal of material detailing legal relationships, municipal services, and the like, this book may not be satisfactory. However, for those who are dissatisfied with existing texts and despair of finding more adequate ones in the near future, a volume that quickly glides over the standard material has some advantages. Its brevity permits use of more outside reading. And the instructor can tailor the course to his own specifications while providing the student with a minimum amount of factual data.

Introduction to Municipal Government and Administration. By Arthur W. Bromage. (New York: Appleton-Century-Crofts. 2nd ed., 1957. Pp. x, 579, $6.50.)

The author states that this is a complete rewriting of the earlier edition to "depict the postwar impact" on urban government. He adds that the "politics, principles, and practices of municipal government . . . have retained their own constancy." This is a sound book in the traditional pattern, with abundant notes and good bibliography. The growth of cities, the organization of their government, and muncipal functions receive attention. Urban politics is mentioned, but the treatment is brief and conventional.

City Government in the United States. By Charles M. Kneier. (New York: Harper and Brothers. 3rd ed., rev. 1957. Pp. vii, 611. $6.50.)

This edition brings up to date the decade-old second edition. It gives greater attention to state-local relations and to municipal politics and less attention to municipal functions than do some comparable texts. It is a sound and representative example of the type, with abundant references to the relevant literature.

SELECTED ARTICLES AND DOCUMENTS ON
AMERICAN GOVERNMENT AND POLITICS

FRANKLIN L. BURDETTE
University of Maryland

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FOREIGN AND COMPARATIVE GOVERNMENT

Parliamentary Sovereignty and the Commonwealth. By Geoffrey Marshall. (New York: Oxford University Press. 1957. Pp. x, 277. $5.60.)

In a volume which might have included much trite and barren speculation, Mr. Marshall has provided instead a new and stimulating discussion of the meaning and significance of parliamentary sovereignty. The author has two major purposes before him in this undertaking. In his words, "It is . . . an attempt to look at some of the traditional implications of the sovereignty doctrine in the light of certain ideas about the function and description of legal rules in theoretical writing about law, and also of recent constitutional developments outside the United Kingdom" (p. v). It is in the evolution of the constitutions and parliamentary systems in the Commonwealth countries that the legal or political implications of parliamentary sovereignty are particularly in evidence.

Sections 2, 3, and 4 of the Statute of Westminster still leave room for many questions, despite the great amount of writing that has been devoted to them. Just what is the significance of these sections in view of recent constitutional interpretation and judicial decisions in the Commonwealth countries? How is the "authority of a Commonwealth constitution" affected by the possibility that it may possibly be amended following a request made under Section 4 of the Statute of Westminster (p. 121)? Trethowan's case in Australia (pp. 105 ff.) dealt with the question as to whether a subsequent legislature in New South Wales could ignore certain attempted restraints placed by its predecessors on the legislative process. Past uncertainties regarding the lawful seat of authority in Pakistan have been recognized. To whom, in the light of current developments, has the "former paramount authority of the Queen-in-Parliament" passed (pp. 133 ff.)?

But, while covering other fertile ground, this volume is primarily a case study of parliamentary sovereignty in South Africa, to which well over one-third of the space is devoted. This allocation of space can be justified in view of the controversial legislation and legal developments in the period since 1931, and especially since 1948. Put briefly, there have been two main views as to the nature of legislative authority in the Union. The first, receiving judicial endorsement in *Nolwana* v. *Hofmeyr* in 1937, is that the Parliament of the Union was bound to follow the requirement of the entrenched clauses in the South Africa Act only until 1931, when it acquired "sovereign authority." Another view, finding expression in the first Harris Case in 1952, was that the Statute of Westminster had not broadened the power of the Union Parliament to amend its own constitution; and, hence, the Statute of Westminster had not removed the procedural requirements included in the entrenched clauses. But there is no need to trace with the author the legal developments involving successively the Separate Representation Act of 1951, the High Court of Parliament Act of 1952, the Appellate Division Bill introduced in 1953, the Senate Act of 1955, and the South African Act Amendment Act of 1956, the latter two of which were sustained by the Appeal Court in November, 1956. Suffice it to say that the author has provided an excellent study of those South African developments that have had some bearing on "parliamentary sovereignty."—Taylor Cole, *Duke University*.

Studies in Australian Politics. By Aaron Wildavsky and Dagmar Carboch. With an introduction by Henry Mayer. (Melbourne: F. W. Cheshire. 1958. Pp. xxvi, 292. 40s.)

This admirable book should be on the shelves of all libraries that attempt to cover Australian politics, and in the hands of all students of that subject. It consists of two long essays on the 1926 Referendum and the Fall of the Bruce-Page Government. They combine to provide an invaluable picture of Australian politics on the eve of the depression. Both originated in the Department of Government at the University of Sydney, Mr. Wildavsky being a Fulbright scholar there and Miss Carboch a student reading for a degree. This department encourages factual studies of past elections and other critical events in Australian politics; Mr. Henry Mayer, who has stimulated much of the research, contributes a spirited introduction to the book.

Both writers wish to dispel illusions. Mr. Wildavsky looks behind the "facade of federalism" to show that the conventional notion of a constitutional issue in Australia is misleading. By carefully analyzing the groups that favored and opposed the Bruce-Page government's referendum proposals (chiefly in the field of industrial arbitration), he is able to prove that, instead of the issue being a clear-cut one at either the party level or the level of Federal-State relations, there were splits within the political parties and differing issues in each State. He shows how men who were unificationists in theory were converted overnight toadherence to State Rights, and how business groups, trade unions, and political parties became hopelessly divided. In a similar way, Miss Carboch dispels the common judgment that the Bruce-Page government was swept out of office in 1929 because it proposed to hand over industrial arbitration to the States. She does not deny that this was an issue; but she shows that it was only one issue among many.

A great deal of accurate research has gone into these studies. There are very few slips. Mr. Wildavsky should not imply that the Storey government was anti-Labor (p. 27), and he has been misled about what were rural seats in 1926 (p. 100 n). Miss Carboch is sometimes astray in her non-political allusions: it will not do to compare John Brown with Soames Forsyte, and his horse could not have won two "Melbourne Derbies," since there is no such race (p. 135). In the main, however, these are excellent essays. They provide a fascinating glimpse of Australian politics half-way between Federation and the present day—in many ways more like the politics of the 1890's and 1900's than like those of today, as is shown by a number of the contemporary cartoons that serve as illustrations. The two authors have made a dogged attempt to sweep away some of the humbug that clogs the discussion of politics in Australia, as anywhere else: humbug about the innate solidarity of the Labor movement, about the character of federalism, about the motives of politicans, and about the nature of political issues. The essays will be especially useful to non-Australian readers who wish to understand the background of the arbitration system. And they will provide ample material for those who believe in a "group" theory of politics.

My only reservation arises from this last point. Both writers admirably fufill their task of dissecting and analyzing the vocal interest-groups that were at work in the 1926 referendum and the 1929 election; neither, however, is able to relate this analysis at all closely to the result of the poll. "As for the electors," says Miss Carboch, "we have no evidence at all to show why they voted as they did." In a sense, then, the essays are not really about the referendum and the election; they are about the maneuvers and campaigns beforehand. This distinction is not a quibble. The point is that, in tracking down so many vociferous politicians and groups, Mr. Wildavsky and Miss Carboch seem to have missed the voter; and this may render some of their assessments invalid, especially those of political leaders such as Bruce, whom they are inclined to criticize for his inability to keep the groups in play. It is still an open question whether Bruce, Page, and Latham should have tried to do this, or whether they were justified in appealing to "independent" electors and long-term interests. Even if they had got all the groups into line, they might still have crashed because unattached voters deserted them. We do not know, and of course we cannot know for certain. But it is important to avoid the unconscious premise that group conflict at the articulate level is all that matters in a political situation.—J. D. B. Miller, *University of Leicester*.

The Italian Labor Movement: Problems and Prospects. By Joseph La Palombara.

(Ithaca, N.Y.: Cornell University Press. 1957. Pp. xix, 192. $2.50.)

Professor Palombara's study of the Italian Labor movement is a significant contribution on trade unionism and its impact on politics. It is based on field data and other information from Italian sources as well as consultations with free labor movement experts. Introduced by the editor, Professor Adolf Sturmthal, the study is well-organized, well-annotated, and well-written.

With the exception of France, Italy is the only major non-Communist country in the world where a majority of the organized workers have been under Communist control. There are many features that must cause alarm since they are not easily undone. Italian trade unions are very poor, and their members "are more willing to fight and die on the barricades than to pay their union dues regularly." The strongest union, the Italian Confederation of Labor (CGIL) enjoys the powerful support of the Italian Communist Party. Many workers consider the party as the only one interested in the progress of the working man, while moderate socialism is judged by them to have had its chance.

Historically, Italy had not much of a chance to experiment with trade unions, since after a few decades their activities were interrupted by totalitarian fascism. The country's preoccupation with national unity also had delayed industrialization and the growth of an industrial working class and therefore of a modern trade union movement. Still, there was considerable action and development: indeed, "it is one of the arresting ironies of Italian history that both the General Confederation of Labor and the Socialist party fell victim to fascism at the point of their largest membership." The Fascist influence on labor cannot be overlooked: "the two decades of Fascist domination left their imprint on the modern unions," although it would not be correct to speak of a genuine labor movement during this era. Dr. Palombara suggests that Italy's contemporary labor movement can be understood only within an historical context that includes this particular period.

Labor strikes, acts of sabotage in the final year of the crumbling Fascist regime, bolstered by the Allied invasion, showed the workers' antagonism toward the Fascists. Organized trade unionism developed again. The impact of politics, typical for European trade unionism, became obvious. In fact, ever since, the CGIL challenge to free labor (organized in CISL and UIL) has contributed to political instability. The free unions have to face and solve many problems; among these are mainly financial independence and more effective leadership. There is also the chronic evil of permanent unemployment and therefore of "featherbedding" in industry. The country suffers from an alarming scarcity of raw materials and thus cannot obtain the right kind of labor productivity. CGIL would accuse the moderate unions of "cooperating with management in a design to increase still further the ranks of the jobless." Free, thus conciliatory, labor seems to have suffered also because of the obvious unwillingness of Italian management to accept the long-run social implications of a program of productivity and "human relations in the plant."

The author discerns other reasons for the lack of popularity of the free unions. Their willingness to collaborate with American trade unionism in its fight against Communism, their failure to join in a common cause, thus showing that they are not capable of demonstrating the "viability of non-political trade unionism," and their failure to "constitute the optimum method for enticing workers away from CGIL" as well as from the possible influence of an unequivocal Catholic trade unionism are all factors that seem to speak against them.

Yet while Italy is bedeviled by problems of imposing magnitude, the author sees also reason for optimism, as evidenced by tremendous steps toward economic rehabilitation. He gives eloquent expression to the hope that the fate of Italy and of a free world may very well depend on the ability of free trade unions to find "ever-increasing effective expression in a society which had long ignored the needs and the aspiration of its working class."—Manfred C. Vernon, *University of Alabama.*

Major Governments of Asia. By Harold C. Hinton, Nobutaka Ike, Norman D. Palmer, Keith Callard, George McT. Kahin. Edited by George McT. Kahin. (Ithaca, N.Y.: Cornell University Press. 1958. Pp. xiii, 607, $7.25.)

Who among us has not felt the need for more survey courses on Asian government? With introductory courses in comparative government usually limited to Europe, and most departments unable to offer specialized work on Asia, many professors and students must be seeking a text for such an Asian political survey.

Professor Kahin and his collaborators now provide us with just such a work, written by specialists in their field (Hinton on China; Ike on Japan; Palmer on India; Callard on Pakistan; and Kahin on Indonesia). As Kahin notes in his editorial preface, this is "the first study . . . devoted to the five major states of Asia," which would be "difficult for any one man to produce." The five nations comprise over one-half of the human race, yet only the first two are covered today in any appreciable number of American universities.

Each co-author, in about a hundred pages, adheres fairly well to a logical sequence: historical background, political structure, parties and other forces, and domestic and foreign issues. The historical factor is stressed most in regard to China and Indonesia, courts and local government in the Japan and Indonesia sections, while the fluid structure of government in new Asian nations baffles both author and reader. Yet the authors have maintained an admirably objective and cautionary approach. Writing styles vary; the first two sections seem most readable, partly because of the nature of Chinese and Japanese politics. Since Japan is least subject to problems such as inadequate research, political immaturity, and organizational fluidity, Dr. Ike had perhaps the easiest task, but this should not reduce our admiration of his excellent section on Japan. External influences being so compelling to these five governments, each section contains a good but brief (especially in that on Indonesia) coverage of current foreign relations. One must applaud also the fine annotated reading lists appended to each national section, and the helpful maps and charts throughout.

One is always distressed by the failures of democratic practice, e.g., the appeal to charismatic leadership and hierarchical decision-making, in most Asian nations. The roles of Nehru, Jinnah, and Soekarno (discussed by Professors Brown, Callard, and Kahin, respectively) illumine this dilemma very clearly. Japan stands out sharply as the most advanced two-party democracy, but the relative success of Peking, Delhi, Karachi, and Jakarta may be of greater importance for future trends in Asia.

A final comparative chapter or better co-ordination among the five co-authors would have improved the work immeasurably as a comparative study, but perhaps each of the five nations (except for India and Pakistan) is too *sui generis* for fruitful generalizations at this stage of research and of national development. Comparisons with Western models are made at appropriate places in the book.

This reviewer foresees problems in covering these five governments in a single semester. The authors have been remarkably skillful in compressing many ideas and problems on which the instructor may wish to elaborate.

In sum, however, this is a successful effort to supply a long-awaited text in a neglected field of comparative government: one which will be warmly welcomed by our profession.—Douglas H. Mendel, Jr., *University of California (Los Angeles)*.

The Study of Comparative Government and Politics. By Gunnar Heckscher. (New York: The Macmillan Company. 1957. Pp. 172. $4.25.)

This book is essentially a report of a conference sponsored by the Italian Political Science Association at Florence in April, 1954, attended by more than fifty scholars representing fourteen countries. Instead of presenting the twenty-seven papers read at the conference, the basic theme of which was teaching and research in comparative government, the rapporteur, Dr. Heckscher, has endeavored to ascertain the "sense" of the meeting. In so doing he has made his own contribution to an excellent synthesis of substantive and methodological problems in the field.

The volume is organized in two parts. Part One deals with general problems of approach, classification, typology, and terminology, with particular emphasis on the usefulness to be derived from inter-disciplinary studies for both research and teaching purposes. Part Two, based directly upon the papers presented, examines the application of comparative methods in such fields of political science as area studies, democratic control of foreign policy, political parties, parliamentary procedures, electoral systems, and contemporary revolutionary movements. Neither part, however, gives more than passing mention of some of the efforts made in comparative study in the behavioral sciences. This may derive from the apparent reluctance of the participants to deal with these developments; or it may stem from Professor Heckscher's position with regard to the role of methodology; for he points out early in the book that "the methodology of comparison is not a self-contained separate subject, but part of the general method of political science" (p. 17). Here, as well as on the subject of developing a field theory, he differs rather significantly from the earlier Evanston report (this Review, vol. XLVII, 1953, pp. 641–675).

It would appear that Professor Heckscher and the members of the conference tend to regard with disfavor attempts at the creation of a "general theory of political science," especially one that would involve a great deal of quantification. European scholars generally have been rather disdainful, and not without justification, of the "scientificism" of their transatlantic colleagues. They should remember, however, that a reliance on quantitative data need not mean the exclusion of everything else that is worth knowing in the study of politics. This reviewer feels that it is not so important to distinguish between comparative method and political behavior as seems to be implied by this report. The comparative scholar can hardly fail if he centers his investigations on political behavior. But he should also direct his research toward broad propositions that can be tested in more than one situation if he is to serve the comparative method. The investigator engaged in testing individual hypotheses is no less engaged in comparative study than the one who embarks deliberately on the comparison of specific sets of institutions and practices. This view is well illustrated by a recent work in the field, Professor Epstein's *Politics in Wisconsin* (University of Wisconsin Press, 1958).

Despite this orientation toward "pure" comparison, Professor Heckscher's essay must be considered an extremely stimulating contribution toward keeping alive that spirit of criticism and re-examination which alone provides a scholarly discipline with vigor and vitality. The work is rich in provocative generalizations, many of which have already served to launch pioneering efforts in the field. It is regrettable that a list naming the participants and their papers could not be included here—also that this valuable work could not be made available earlier. Three years is a long time to wait for news on important ideas in one's field, and not many Americans were able to read in *Studi Politici* (Florence, Italy, March–May 1954) the actual papers presented at Florence.

Students, teachers, and researchers in the field of comparative politics will welcome this little book. Despite its apparent brevity, it is richly endowed with information and suggestive hypotheses.—Herbert P. Secher, *Western Reserve University.*

Philippine Freedom, 1946–1958. By Robert Aura Smith. (New York: Columbia University Press. 1958. Pp. vii, 375. $5.00.)

In this free-ranging book, Mr. Smith, an Officer of the Philippine Legion of Honor, pays rosy-hued tribute to the incorruptible spirit of Philippine freedom and to the incorruptibility of Philippine political life. It appears to Mr. Smith that the Philippine leadership, from the days of Quezon and Osmena, through Roxas and Quirino, to Magsaysay and Garcia, has been strongly motivated by a desire to serve the people of the Philippines and advance their personal freedoms and liberties—always, of course, in close and responsible association with the United States. If there was corruption during the war-surplus sales of 1946, let that be attributed to the unsettled character of the postwar situation and the possible carelessness of the United States rather than to any normal pattern of Philippine political life; if corrupt rascals held office under Quirino, let that aberration be attributed to the President's ill health. Mr. Smith's curbstone judgments and opinions touch everything from the "proud and sensitive" character of the Philippine people to the importance of SEATO and the critical quality of the Philippine contribution to that freedom-loving organization. In pointing up the weaknesses of the Philippine economy, Mr. Smith suggests the continuing necessity for measures of some austerity and seems acceptant toward the idea of continuing American economic support under the principle of reciprocal parity. He considers the political picture to be "simple and clear," with an "exceptionally bright" outlook for the future. He does not doubt that the Philippine people have full freedom to make significant decisions about their political life through an honest ballot-box; and he is hopeful that an effective two-party system will develop with provision for "a continuous and effective—and loyal—opposition."—H. Arthur Steiner, *University of California, Los Angeles.*

Imre Nagy on Communism: In Defense of the New Course. (New York: Frederick A. Praeger. 1957. Pp. xliv, 306. $5.50.)

In his forced retirement from public life in the summer of 1955, Imre Nagy wrote a "dissertation" which he hoped to submit to the Central Committee of the Hungarian Communist Party as a defense of his case. His case was not discussed, but the new line propounded by Khrushchev at the Twentieth Party Congress encouraged the former Hungarian Premier to revise and enlarge the manuscript and circulate it among party members. It is a full fledged indictment of Hungarian Stalinism as practiced by Matyas Rakosi and at the same time a program for a "Liberalized" form of national Communism. As it does not come from a renegade, such as Djilas, nor even from a

Titoist, it must be regarded as a document of internal party strife. As such it will remain of considerable interest for all students of mid-century Communism, and particularly for students of the East European satellites. Even though it is replete with quotations from the Communist scriptures and strictly follows Leninist and even Stalinist terminology and phraseology, it is not the work of a sophisticated Machiavellian trying to destroy the Communist structure from the inside and with the Communists' own tools. It is rather the product of a person of astonishing political *naïveté*, of unshaken idealism in doctrine, and of a spiritual purity hard to understand in one whose political past reaches back to the days of the Old Bolsheviks and who spent fifteen years in Moscow. The smuggling out and publication abroad of this manuscript may or may not have contributed to the eventual trial and execution of Imre Nagy. As the head of the revolutionary government in 1956, his name will go down in history as the Communist leader of an anti-Communist as well as anti-Russian revolution, a paradox which only the personality of this strange idealist can explain. His "dissertation" remains one of the rare documents of Communist internal party life, full of facts (the veracity of which cannot be doubted) and thought processes that have not yet been adequately analyzed by Western experts. The present edition is introduced by Hugh Seton-Watson, most competent commentator on satellite Hungary, and is concluded by a brief epilogue by George Paloczi-Horvath, a former prominent Hungarian fellow-traveller and participant in the 1956 uprising, who now lives in the West.—GEORGE A. LANYI, *Oberlin College.*

An Encyclopedia of Parliament. BY NORMAN WILDING AND PHILIP LAUNDY. (New York: Frederick A. Praeger. 1958. Pp. x, 705. $12.50.)

Scholars in the colonies and dominions have long been known to provide some of the most useful and effective study of British political and consitutional institutions. The present volume maintains and indeed enhances this tradition. The authors are both parliamentary librarians in Rhodesia and this "encyclopedia" has grown out of their constant efforts to discover answers to hard questions put to them by their ministers and legislators (in the Federation and in Southern Rhodesia). Over the years they accumulated a number of papers prepared for this purpose and decided finally to incorporate them in a single volume of references on all manner of parliamentary topics. The result is a happy one for all persons interested in parliamentary institutions.

As a source of ready reference on such questions this is really an invaluable work, of so obvious a utility that one can scarcely avoid a feeling of surprise that it has not been done long before. The topics cover a wide variety of matters; they are cross indexed where appropriate and are all neatly arranged in proper alphabetical form (from "Absence, Leave of" to "Zinoviev Letter"). The entries themselves are followed by thirty-three appendices principally comprising lists of various office holders but including also a twenty-four page bibliography. All in all, it's a fine book and, if it weren't so expensive, one could safely urge every student of British or parliamentary affairs to possess himself of a copy.

As France Goes. BY DAVID SCHOENBRUN. (New York: Harper and Brothers. 1957. Pp. vii, 341. $3.75.)

A keen observer of French political affairs, Schoenbrun has presented an eminently readable book, which will serve as an informative introduction to French political life. The argument is directed at a number of questions that frequently perplex Americans and it wisely avoids the easy generalizations and offers instead some very suggestive historical, economic, and political observations. Published on the eve of the Revolution of 1958, the book is filled with grim foreboding, while at the same time it maintains a determined optimism that makes it difficult to give proper weight to some of the analysis. If, in his zeal to demonstrate to Americans the strength that lies beneath the superficial disorder of French life, Schoenbrun failed to appreciate the weakness of the men who controlled the last several governments of the Fourth Republic, he was not alone. Most people today still believe that the spirit of Republicanism is too deeply ingrained in the French people ever to be displaced. Yet, when the only men powerful enough to defend Republican ideals are disdainful and intolerant of Republican practices, it becomes difficult to share this optimism. If, on the other hand, France's problems are so grave that a revolutionary solution alone is possible, it would be foolhardy to stand by and simply hope for the best.

Mexican Politics During the Juarez Regime, 1855–1872. BY WALTER V. SCHOLES. (Columbia, Mo.: University of Missouri Studies. 1957. Pp. 190. $4.00.)

A mid-nineteenth century reform movement in Mexico centered on the efforts of liberal groups to establish "democratic centralism" for that country. For the liberals this philosophy meant equality before the law, republican institutions, and a laissez-faire policy in government. Specific goals to be realized were free speech and press, better education, and middle class land-ownership. Such goals were of course opposed by the conservative classes in whose hands power and land had traditionally been centered. Yet, even in the liberal forces there was disagreement between the radicals, pressing for immediate reform, and the moderates, who favored a more deliberate policy. These two parallel struggles occupy the author in this monograph. His research leads him to conclude that the reform leaders were successful in introducing certain aspects of democratic centralism: circumscription of the economic and political power of the Church and the establishment of republican institutions and freedom of speech and press. In such matters as equality before the law and free elections, however, they were not so successful.

The New India: Progress through Democracy. By PLANNING COMMISSION, GOVERNMENT OF INDIA. (New York, Toronto, London, Manila: The Macmillan Company. 1958. Pp. x, 412. $5.00.)

This is a book about India's second five year plan prepared by a special study group appointed by the Planning Commission, the government agency responsible for preparing India's plans. Its very open purpose is to inform foreign readers of the principles, aims, methods, and programs in the plan. The first part of the book considers the plan in general terms. The remainder consists of sections on "Agriculture and Rural Development," "Industrial Development," and "The Social Services." The volume reflects the attitudes of people who are involved in the plan. It speaks frankly of the magnitude of the problems with which India must cope; in describing the Indian approach to these problems, the authors speak with conviction rather than detachment. The reader of the volume will probably gain more knowledge of the aims of the plan than he will basis for judging whether it can succeed.

Pilot Project, India: The Story of Rural Development at Etawah, Uttar Pradesh. By ALBERT MAYER AND ASSOCIATES WITH MCKIM MARRIOT AND RICHARD L. PARK. (Berkeley and Los Angeles: University of California Press. 1958. Pp. xxiv, 367. $5.50.)

As planning and development adviser to the Government of Uttar Pradesh in northern India, the principal author of this book, Albert Mayer, played an important role in the development of a "pilot project" in rural reconstruction in the Etawah district. This project provided experience and knowledge which the Government of India has subsequently applied on a wider scale.

The book consists, in the main, of edited excerpts from reports and correspondence written by Mr. Mayer and some of his associates while work at Etawah was in progress. These quotations are knit together by passages newly written by Mr. Mayer and his collaborators, Richard L. Park and McKim Marriot. This method has produced a successful book, mainly because of the quality of the reports on which it is so largely based. These reports communicate the enthusiasm and dedication of those who were trying to devise effective and democratic means of rural improvement; they include vivid descriptions of specific experiences; they also set forth the hard thinking that Mr. Mayer has done about the whole problem to which the "pilot project" was addressed.

The book covers the origins of the Etawah project, problems of organization, philosophy and techniques of work, village participation, results and implications, and other aspects of the work. The authors acknowledge that their book is neither "an evenly balanced narrative" nor "an integrated treatise on principles." They have succeeded well in opening up a very important subject.

The Viceroyalty of Lord Irwin, 1926–1931. By S. GOPAL. (New York: Oxford University Press. 1957. Pp. 152. $3.40.)

Lord Irwin's viceregal term formed an important step towards the attainment of democratic self-government and independence of the Indian sub-continent. The eventual success of British gradualism in this major epic of colonial liberation is partly due to him. The present scholarly monograph, by a noted student of British policy in India, is based on the official records in New Delhi and on conversations with the former Viceroy. It also offers some meager clues to the somewhat enigmatic character of Lord Irwin, who, as Lord Halifax, became later one of the architects of the British appeasement of Nazi Germany.

The Wilopo Cabinet, 1952–1953: A Turning Point in Post Revolutionary Indonesia. By Herbert Feith. (Ithaca, N. Y.: Cornell University Southeast Asia Program; New York: Institute of Pacific Relations. 1958. Pp. ix, 212. $3.50.)

The Wilopo cabinet took office on April 4, 1952, following a thirty-five-day cabinet crisis after the fall of the Sukiman cabinet, and remained in power until June 2, 1953. This was a period of extraordinary political stress, unusual even for Indonesia. The Wilopo cabinet came to power after the Sukiman cabinet's negotiations for economic assistance from the United States under Sec. 511a of the Mutual Security Act had aroused a storm of nationalist indignation. A new orientation in the policies of the Communist Party produced a situation in which the Nationalist Party sought a *rapprochement* (if only to outwit the Masjumi). Recurrent economic crisis led to budgetary proposals by the Wilopo government which aroused the animosity of Army elements and precipitated the military-civilian crisis of October 17, 1952. Finally, among the major issues of the day, the Wilopo government succeeded in forcing through the long-awaited and highly criticized elections law of April 1, 1953. Mr. Feith's present monograph, a revision, based on further research, of an M.A. thesis originally submitted to the University of Melbourne, is a satisfying summary of the situation and problems of the Wilopo cabinet and offers a number of well-informed interpretations.

Pioneer Peasant Colonization in Ceylon: A Study in Asian Agrarian Problems. By B. H. Farmer. (London, New York, and Toronto: Oxford University Press. 1957. Pp. xxvii, 387. $8.80.)

Mr. Farmer is a professional geographer, and his study of the various agricultural and resettlement problems encountered in peasant colonization in the Dry Zone of Ceylon is conceived as an exercise in "pure" and "applied" geography. Nevertheless, at a time when political scientists are concerned with the economic development of certain Asian countries and with political and social responses under conditions of rapid economic development, they must necessarily become familiar with the literature of land use. Mr. Farmer's work is an invaluable contribution, although more as a case study of the special problems of Ceylon than a guide to the problems of agricultural resettlement and development in other Asian countries. The Dry Zone, covering the northern and eastern portions of Ceylon, has been a political-agrarian problem confronting the Government of Ceylon for more than a century. Dry Zone resettlement schemes were accelerated by governmental action after the adoption of the Donoughmore Constitution in 1931 and were stimulated by the aggravated problems of food supply during World War II. They have substantially changed the face of the Dry Zone but have created a large variety of financial, social, economic, political, and communal problems. Mr. Farmer reviews the situation of the different colonies in great detail and produces a number of thoughtful and useful conclusions whose overall import is neither sanguine nor optimistic.

The Pattern of Land Tenure Reform in East Asia after World War II. By Sidney Klein. (New York: Bookman Associates. 1958. Pp. 260. $10.00.)

Mr. Klein surveys the theory and practice of land tenure reform in separate chapters dealing, sequentially, with Japan, Taiwan, South Korea, North Korea, and Communist China. He draws conclusions based on the two distinct patterns of the non-communist and communist countries and their relative considerations of economic and political goals. Mr. Klein believes that the economic needs of land tenure reform have been substantially met in the cases of Japan, Taiwan, and South Korea, although to a lesser degree in South Korea than in the other two non-communist countries. On the contrary, the land tenure reforms of North Korea and Communist China were politically motivated and satisfied fewer of the economic needs. Mr. Klein's conclusions are derived from an English language documentation and are supported by some forty-eight tables in a statistical appendix.

Recueil des textes relatifs au referendum constitutionnel du 28 septembre 1958, du 3 juin 1958 au 7 septembre 1958. (Paris: Imprimerie de l'Assemblée Nationale. 1958. Pp. 127.)

The French Constitution adopted by the referendum of September 28, 1958 and promulgated on October 4, 1958. French text and English translation. (New York: French Embassy

Press and Information Division, 1958. Pp. 75.)

The Paris compilation, apparently issued just before the referendum, includes the proposals of the *Comité consultatif constitutionnel* and, in addition to the draft Constitution, related decrees dealing with Algeria, the Departments of the Oasis and of the Saoura, the Overseas Territories, Togo, and the Cameroons, and decrees dealing with the conduct of the referendum. The New York publication contains only the text of the Constitution as adopted, with French and English text on opposite pages.—(J.B.C.)

Las constituciones de Bolivia: recopilación y estudio preliminar de Ciro Felix Trigo. (Madrid: Instituto de estudios políticos. 1958. Pp. xlviii, 538. Ptas. 200.)

Las constituciones de la República Federal de Centro-América: recopilación y estudio preliminar de Ricardo Gallardo. (Madrid: Instituto de estudios políticos. 1958. 2 vols. Pp. 1400. Ptas. 300.)

The two Spanish official agencies, Instituto de Estudios Políticos and the Instituto de Cultura Hispánica, continue their collaboration in publishing historical collections of the constitutions of the Latin American countries' each accompanied by studies. For Bolivia, the director of the Institute of Public Law of the Universidad Mayor de San Andrés at La Paz, Bolivia, has brought together the texts of the fourteen constitutions of Bolivia from 1927–to 1947, with some accompanying documents and a study. For the Federal Republic of Central America, which has existed at times for brief periods, a well-known jurist from the Republic of El Salvador has edited with a rather elaborate study the various short-lived constitutions and related documents.—(J.B.C.)

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HIRAM M. STOUT

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INTERNATIONAL LAW AND RELATIONS

The United States and Africa. EDITED BY WALTER GOLDSCHMIDT. (New York: The American Assembly, Columbia University. 1958. Pp. xiv, 252. $1.00 soft cover, $1.25 hard cover.)

The subject matter of this volume is not immediately new. The problem of the role of the United States in the face of Africa's racing to an uncertain political future has been examined in a number of post-World War II studies. Such previous studies, however, serve to supplement rather than replace the volume under review. For example, *Africa's Challenge to America*, by Chester Bowles, and Congresswoman Francis P. Bolton's *Report of the Special Study Mission to Africa, South and East of the Sahara* (84th Congress, Second Session) might fruitfully be kept close at hand while reading *The United States and Africa*. Like previous American Assembly volumes, *The*

United States and Africa was prepared as background for the national assembly discussions and later discussions on the regional, state, and local levels.

It should be pointed out that, in terms of broad issues, *The United States and Africa* probably presents little of which the specialist in African affairs is not already aware. For the non-specialist layman and student in the classroom, the volume should be of great interest and value. It seems, in fact, to be admirably suited for use in the one-semester survey-type course on contemporary problems of the African area. Though dealing with a series of infinitely complex issues, the volume is, in part, characterized by a laudable lack of technical jargon, footnotes, and theoretical analyses. Appendix B provides a useful compilation of relevant geographical, economic, and racial data on maps. Here again, the scholar will find little that is useful for his serious purposes; rather, the data will probably encourage questions directed towards the specialist.

The authors of the various papers composing the volume are well known in Africanist circles and, as a group, comprise a large portion of the current leadership in the study of African affairs in this country. The approach to the problem posed by the title of the book is divided into three basic areas for consideration: i.e., the political, economic, and social spheres. The first essay, "The Character of American Interests in Africa," and the "Final Report of the Thirteenth American Assembly" constitute the essence of the study inasmuch as the former presents the nature of the crucial dilemma of "caution" *versus* "traditional principles of freedom" in American foreign policy toward Africa, while the latter presents the Assembly's considered recommendations and views revolving around this dilemma. The final report setting forth the Assembly's views might be summarized as follows: American policy must be based upon furthering the policy of self-determination. There should be "steady progress" toward self-determination although no precise timetable can be devised. Premature independence in multi-racial areas might retard the development of democratic communities. The U. S. must increase its economic aid to Africa. American aid should include programs directed to African technical higher education.

The above recommendations and views have been expressed elsewhere by other persons and groups acquainted with the problems of the African area. This would seem to lend credence to their essential validity despite the fact that the report's preamble declares, "The great size and diversity of the African continent make broad generalizations difficult." The volume fully meets the objective which it was intended to achieve: *i.e.*, to stimulate discussion on the basis of well-conceived background papers.—EUGENE P. DVORIN, *Los Angeles State College*.

The Diplomacy of India: Indian Foreign Policy in the United Nations. BY ROSS N. BERKES AND MOHINDER S. BEDI. (Stanford, Calif.: Stanford University Press; London: Oxford University Press. 1958. Pp. x, 221. $5.00.)

This book is a remarkable achievement. It is based almost entirely on the records of the United Nations General Assembly and its committees. The authors have examined the empirical evidence of India's behavior in the United Nations to discern the motives behind her foreign policy. The authors have drawn three generalizations on the basis of this study: "first, the consuming dedication, which, for India, has made of the United Nations an incomparable vehicle of policy; second, the uneven beginnings in the transformation of India's performance from that of a radical Power to that of a conservative Power; and, third, the continuing uniqueness of India's contribution, both in and to the United Nations." It appears to the authors that the Indian foreign policy is largely governed by Nehru's psychological "climate of war thesis" and by his passionate desire to secure "the redress of political, economic, and social inequalities of Afro-Asia."

In the opinion of this reviewer, the authors do not seem to be on firm ground when they declare that India's attitude in the United Nations is dictated by her "compulsive egalitarianism." Were it so, then India would have continued to exist as a radical power, which she at the moment is not. India's failure to pin more faith to the international legal apparatus and to pursue consistently her drive for the observance of universal human rights shows that India's use of the United Nations as a vehicle of policy is not so unique as one may think.

The authors have avoided a discussion of the Kashmir dispute on the grounds that it "tends to clutter the picture unnecessarily and unhelpfully." This omission is unfortunate. India's attitude on the Kashmir question rather disproves the authors' assertion that "India's attitude on machinery for compulsion beyond the plane of moral sanction has been strikingly consistent throughout nearly all of the United Nations history." Likewise, this reviewer does not believe that India has been able to "serve as a bridge between the West and the communist world." India has, no doubt, been of service to the national interests of the Atlantic and the Soviet camps alternately, but it is doubtful if she has contributed anything positive to the lessening of tensions between these two blocs or even to a mutual understanding of their particular points of view.

These are trivial criticisms. *The Diplomacy of India* is a remarkable book, well written, scholarly, and documented. It is a useful contribution to political literature.—BRIJEN K. GUPTA, *Southern Illinois University.*

India in World Affairs, February 1950–December 1953: A Review of India's Foreign Relations. BY K. P. KARUNAKARAN. (New (York: Oxford University Press. 1958. Pp. 266. $4.00.)

Mr. Karunakaran is a research associate of the Indian Council of World Affairs. His book, the second volume of a series on *India in World Affairs,* seeks to give "a factual account of the main international problems which engaged the attention of Indian statesmen during the period February 1950–December 1953."

The first three chapters examine the status of the the Great Powers rivalry, the emergence of Asian-African states as a "peace area" in the world community, and the rise of China as a pole of power in Eastern Asia. Subsequent chapters deal with India's role in the Korean conflict, her attitude towards the issues before the General Assembly, her relations with Pakistan and Nepal, and her international economic relations. A concluding chapter seeks to assess India's importance in world affairs in the period.

On the whole the book is rather disappointing. One does not get the impression that the study examines either exhaustively or intensively India's role in world affairs in the period. Chatham House's *Survey of International Affairs* covers more material on India than Mr. Karunakaran's study. The author discusses some issues in which India played an insignificant role, if any, and does not discuss others in which she played, in the opinion of this reviewer, a significant role. Though he discusses the Anglo-Iranian oil dispute and the Anglo-Egyptian dispute over the Suez Canal, quoting statements of the Iranian and the Egyptian diplomats, he does not discuss India's role, if any, in these issues. India's position on the Baguio Conference and her role in the British Commonwealth are not adequately treated. Much attention is paid to the Indo-American differences on the Japanese Peace Treaty, but no mention is made of the separate peace treaty that India signed with Japan.

One of the main shortcomings of the book is its lack of documentation. Passages are quoted at times without citations of sources. The bibliography mentions *Records of the Indian Parliamentary Debates* as a primary source of information. Only once is this source cited in the footnotes. The Indian newspapers *Hindu* and *Hindustan Times* are cited less than a dozen times. Equally unfortunate is the omission of opinions of the Indian opposition parties on major issues that confronted the Indian foreign policy makers. Had such an examination on the Korean question taken place, the author might not have been tempted to declare that "there was increasing support for the Government's foreign policy in general."

"This book," says the jacket cover, "is likely to attract attention everywhere, perhaps especially in the United States." This reviewer has not found anything remarkable in the book to recommend such attention.—BRIJEN K. GUPTA, *Southern Illinois University.*

The Knights of Bushido: The Shocking History of Japanese War Atrocities. BY LORD RUSSELL OF LIVERPOOL. (New York: E. P. Dutton and Company. 1958. Pp. xiv, 334. $5.00.)

As former Deputy Judge Advocate (1942–1951) and Assistant Judge Advocate General (1951–1954), this eminent British jurist is an authority on the laws and customs of war. His new book gives a concise but well-documented account of Japanese violations of them. The evaluation of the enormous evidence and the parsimonious but highly instructive quotations, supported by contemporary photographs, etc., show the experienced hand. His regretful statement (p. vii) that "for every revolting incident . . . described, a hundred have been omitted" is, unfortunately, borne out by the records, for example, of the Tokyo International Tribunal and the materials of the UN War Crimes Commission.

Sketching the grandiose plans of Japanese militarists since 1931 and their subsequent coordination with the aspirations of Hitler

Germany, the author makes clear that atrocities were based largely on deliberate policies. Thus Japan's refusal to consider the "China incident" as war resulted in denying captured Chinese soldiers the status of prisoners of war; instead, they were "massacred, tortured, or drafted into Japanese labor camps" (p. 39); the enormities of the "rape of Nanking" in 1937 were condemned even by the Nazi embassy as "criminal acts of an entire army" (p. 44); and as early as February 1939 a top secret ministerial order warned, not against massacres, lootings, and mass rape in China, but against talk and letters by officers and men that would reveal them (p. 50).

The bulk of the volume deals with illegalities committed after Pearl Harbor against United States, British, Australian, and other Allied POW's in the Pacific theater, which caused death to about twenty-five per cent of them: conditions in camps and aboard prison hulks, the death marches of Bataan and elsewhere, the horrors of the building of the Burma-Siam railway, the killing of survivors of torpedoed ships, etc. Two chapters describe atrocities against civilians in occupied territories; and the last summarizes the findings of the Tokyo Tribunal. A twelve-page appendix manages to analyze lucidly the salient legal aspects of war crimes trials.

In line with the Tokyo court, Lord Russell holds specific orders or willful permissiveness of top governmental and military leaders responsible for the occurrences. Throughout, he endeavors to detect an explanation of the mentality that dictated those policies. He finds it in the perversion of the feudal "ethereal Bushido," the Order of the Rising Sun, the Knights of Bushido, who "do not execute at sunset but at sunrise."

Here, as in his famous account of Nazi war crimes, "The Scourge of the Swastika" (1954), the forest of the law does not prevent Lord Russell from seeing the trees of sheer human decency. In reporting proven facts, he does not conceal indignation: he uses the term "shocking" in the very subtitle. By illuminating the position of the law, he renders a great service. He reminds us that if mankind unlearns to be shocked at outrages forbidden even in that emergency which is war, it puts the axe to civilization also in time of peace.—John H. E. Fried, *New York University.*

International Politics: The Western State System and the World-Community. By Frederick L. Schuman. (New York: McGraw-Hill Book Company. 6th ed., rev. 1958. Pp. xx, 745. $7.50.)

When Professor Schuman's text appeared for the first time in 1933 it was rightly regarded as a pioneering venture which, in Charles Beard's words, was "breaking from the solemn formalities of abstract international law and politics and daring to view realistically the moving scene as a whole." Since then the book and its author have changed a great deal from edition to edition, yet much of the original concept has remained while the style has become, perhaps, even more vivid and picturesque. Measured against many contemporary texts which follow a more rigidly and logically conceptual framework, Schuman's text appears as a curious mixture of brilliant formulations and journalistic inaccuracies, hard boiled *Realpolitik* and emotionally heated warnings to mankind as such. Compared with the fifth edition, the sixth seems to be essentially unchanged in organization, merely considerably enlarged, by about 150 pages. New is a case study of the turbulent events of October and November, 1956, which promises to probe into "the anatomy of anarchy," new also is an extended treatment of atomic warfare. As for value-preference, the author believes that some sort of World Government will be necessary to save mankind from war; he expects, nevertheless, that no clear choices will be made and that international politics will "muddle through," with statesmen unwilling to decide for World War III because neither side could possibly expect victory in a pre-atomic sense. This seems to imply understanding of the role of the "balance of terror." But at the same time, the author believes "more than ever" that "today's statesmen, if they want to serve life rather than death, must subordinate calculations of strategy to the possibilities of diplomacy." One doubts that such a guide-line could serve the West at a summit-meeting; one also doubts that Schuman's approach, while stimulating and enriching the minds of the young with many facts and more ideas, can possibly lead to clearer thinking on world politics.—George A. Lanyi, *Oberlin College.*

Foreign Policy in World Politics. Edited by Roy C. Macridis. (Englewood Cliffs, N.J.: Prentice-Hall. 1958. Pp. 420.)

The comparative study of foreign policies is a neglected field. It is usually attempted as a part of a more extensive study or text on international politics, or as an afterthought appended to a regular country-by-country study of foreign governments. Never before has a text united analyses of the foreign policies of so many countries. The editor has tried (with the help of Gabriel A. Almond and Kenneth W. Thompson) to provide a common approach for the writers of the individual chapters. One wishes that he had also succeeded in forcing his colleagues to a uniformly high level of performance. Thus, while Vernon V. Aspaturian's treatment of Soviet foreign policy is, perhaps, the best short essay on this subject in the English language, and while the editor's own piece on French foreign policy, Karl W. Deutsch's and Lewis J. Edinger's account of the foreign policy of the Bonn Republic, Robert A. Scalapino's discussion of Tokyo's foreign policy, and Allen S. Whiting's on Peking's, are masterful in clear condensation and crisp formulation, there is something far too conventional in Leon D. Epstein's short chapter on British foreign policy, and Bernard C. Cohen's analysis of American foreign policy is not only far too brief but also superficial. The volume is completed by chapters on Turkish and Mexican foreign policies and by an incisive theoretical discussion by Kenneth Thompson, which compares favorably with Gabriel Almond's gray introduction. The chapter on India, unfortunately, could not be completed in time for publication; it is hoped that it will appear in future editions. On the whole, this is a most useful text for courses both in international politics and in comparative government.

History of the Second World War. Allied Military Administration of Italy, 1943–1945. By C. R. S. Harris. (London: Her Majesty's Stationery Office; New York: British Information Services. 1957. Pp. xv., 479. $7.56.)

This volume of the extensive official British history of the war deals exclusively with the fascinating story of the Anglo-American military government of Italy from the invasion of Sicily till the final collapse of the German occupation forces. Although a military history, much of this volume discusses strictly political problems involving not only Italy but also national leaders of neighbor countries, such as Tito and De Gaulle. The delicate dealings with resistance leaders in Northern Italy, the ambitious plans of re-educating the Italian people for democracy, and the eradication of Fascism were not only tasks inevitably intertwined with keeping law and order behind a smoothly supplied fighting front; they also laid the basis for a postwar governmental system. Many of the lessons which emerge with some clarity from this book are administrative, some concern military tactics, some again relate to economics and finance. Far more difficult to assess are the political achievements, where the reader is largely left to draw his own conclusions. The author (who was on the staff of AMGOT in Sicily and later on the ACC) criticizes the clumsy and uneconomical ways of the Control Commission, but he hardly questions its direction and success. There is a large amount of interesting and hitherto unrevealed data in this volume, as the author had full access to the official documents but, according to British practice, had to omit references to those not yet open to public inspection.

History of the Second World War. The War Against Japan. Volume I, The Loss of Singapore. By Major-General S. Woodburn Kirby with Captain C. T. Addis, Colonel J. F. Meiklejohn, Colonel G. T. Wards, and Air Vice-Marshal N. L. Desoer. (London: Her Majesty's Stationery Office; New York: British Information Services. 1957. Pp. xxii, 568. $9.90.)

This volume is the first of five that are being written about the United Kingdom's war against Japan. The authors attempt to see the British war effort from an inter-service point of view. They also state that "the standpoint from which the campaigns have been viewed is that of the theatre commander." The main focus is on United Kingdom and Commonwealth forces, but in order to provide perspective the study discusses the campaigns of allies "in their proper chronological sequence but only in outline."

This first volume begins with several introductory chapters on British Far Eastern defense policy in the inter-war period, the effects of the European war, beginning in 1939, on that policy, and other aspects of the background of the war with Japan. It then tells, to quote the authors, "of an unbroken series of disasters and includes the greatest military defeat in British history." More specifically, it covers the losses of Hongkong, Malaya, the Netherlands Indies, and Singapore (Burma being held over for the next volume) in the first three months of the war. The book provides abundant support for and elaboration of the conclusion that "whatever the spirit of the troops, commanders entrusted with the defence of British possessions in the Far East had perforce to meet attack by a fully-prepared enemy with naval, army, and air forces insufficient for the task."

The United States and China. By John King Fairbank. (Cambridge, Mass.: Harvard University Press. 2nd ed. 1958. Pp. xvii, 365. $5.50.)

Professor Fairbank rather acidly suggests, but with good reason, that "with some exceptions, Communist China, like Confucian China, remains impregnably beyond the grasp of American political science" (p. 344). In the present, substantial revision of a standard work first published in 1948, Professor Fairbank deals with themes that should challenge every political scientist whether his specialty be political theory, comparative politics, or foreign affairs. Approximately two-thirds of the book is a study and interpretation of the changing nature of Chinese society in the twentieth century and of the reciprocal relations between revolutionary forces and political structures. Professor Fairbank rejects, as false conclusions, the alternative beliefs that Chinese Communism represents "the inevitable current phase of China's modernization" or that it is "merely another in a long succession of dynasties" (pp. 312-313); his own conclusion is that Chinese Communism's selections from China's past and Western example "add up to a totalitarianism which is something quite new in China's experience" (p. 314). His final comments on American attitudes toward contemporary China, summed up in a biting passage on "Our China Policy in the Light of Its Failure," suggest that the thinking of conservative America "has not kept pace with China's revolution," that "our emotional reaction to the rise of Chinese Communism has been an attempted rejection of reality," and that we cannot clutch at the straw "that Chinese Communism's obvious evils are likely to be sufficient to destroy it." "In short," he concludes, "we have to face it. . . . Now we both have to learn to live on the same planet" (p. 320).

Sinkiang: Pawn or Pivot? By Allen S. Whiting and General Sheng Shih-ts'ai. (East Lansing: Michigan State University Press. 1958. Pp. xxii, 314. $5.00.)

The present work is actually two volumes in one. The first half (pp. 3-148) consists of Professor Whiting's important original study, "Soviet Strategy in Sinkiang: 1933-1949," with principal emphasis on the period 1933-1944 during which General Sheng Shih-ts'ai was governor of the province. Whiting's work is based on Chinese, Soviet, and Japanese sources, as reinforced by his own interviews with important actors in the drama of Sinkiang. The result is a significant contribution to understanding of a complex series of personal, diplomatic, and political relationships, which is likely to survive as a standard work for some time to come. Whiting explores the competing interests of China and the Soviet Union in Sinkiang, against the background of General Sheng's relations with Moscow, Yenan, and Nanking-Chungking, and in the process throws important light on the politics and practices of the Nationalist Government. The second half (pp. 149-301) of the work consists of Whiting's edited translation of General Sheng's own autobiography, "Red Failure in Sinkiang," with supporting appendices. General Sheng's explanation of his policies in Sinkiang requires careful and critical evaluation, as Whiting is careful to point out in his own separate study, but the document is probably the most important single bit of original source material on the subject and opens the way to new lines of research.

Stalin's Failure in China, 1924-1927. By Conrad Brandt. (Cambridge, Mass.: Harvard University Press. 1958. Pp. xv, 220. $4.75.)

Mr. Brandt's study deals principally with the Chinese Revolution as a factor in the feud between Stalin and Trotsky and with the effect of that feud on the role of the Soviet Union in China during the critical period 1925-1927. Few episodes in recent political history have been so variously interpreted. Brandt's analysis, based on Soviet and Chinese sources, is made within the broad frame of reference already made familiar by the works of Isaacs, Schwartz, and North, but his interpretations are highly sophisticated and suggestive. He argues, among other things, that Stalin came to view the Chinese Revolution after 1927 on the basis of Trotsky's rationale of "permanent" revolution and was therefore highly skeptical of the prospects for the success of Mao Tse-tung during the Long March (1934-1935). Brandt concludes that China was "the only country (apart from the Soviet Union) where Stalin practiced, in his own way, the principles taught by Trotsky" (p. 178).

Population and World Politics. Edited by

PHILIP M. HAUSER. (Glencoe, Ill.: The Free Press. 1958. Pp. 297.)

Comprising eleven papers delivered at an Institute held by the N. W. Harris Memorial Foundation at the University of Chicago in November, 1954, this volume is another useful but necessarily uneven and incomplete symposium on the theme of the startling growth of world population and its significance for world economics and politics. The contributors are all well known authorities in their fields. For the student of international affairs who is not a specialist in demography the most interesting paper is, perhaps, Kingsley Davis's stimulating essay, containing a masterfully condensed discussion of the demographic ingredients in the cold war, complicated by the cultural division between urbanized and agrarian countries which cross-cuts the political divisions between Communist and free countries. Irene B. Taeuber analyzes political instabilities in the under-developed countries against the background of colonialism and the early stages of industrialization and urbanization. Frank Lorimer analyzes population policies in Soviet Russia and in the East European satellite countries, but his discussion of Chinese developments is brief and by now out of date. The strictly demographic section of the book includes papers by the U. N. demographer John D. Durand and by Professors Frank W. Notestein, W. S. Woytinsky, Simon Kuznets, Everett E. Nagen, Dorothy Swaine Thomas, and Joseph J. Spengler.

Servitudes of International Law: A Study of Rights in Foreign Territory. BY F. A. VALI. (New York: Frederick A. Praeger. 2nd ed. 1958. Pp. xvi, 349. $12.50.)

This second edition of a learned and thorough work has revised, enlarged, and brought up to date the discussion of a difficult and controversial topic of increasing significance. As the author points out, servitudes are granted nowadays rather for the purposes of military strategy than for economic reasons. The rigorously argued theoretical framework and the altogether realistic approach of the author, as well as the rich material of relevant cases, render this a most useful study, not only for the international lawyer or diplomat, but also for the student of international relations who is frequently baffled by the legal and political intricacies arising from the existence of military bases in foreign territory, demilitarized zones, and the administration of foreign areas.

Disarmament and Peace in British Politics, 1914–1919. BY GERDA RICHARDS CROSBY. (Cambridge, Mass.: Harvard University Press. 1957. Pp. viii, 192. $4.00.)

This short monograph was planned as the first part of a longer study on British politics and international relations between the two World Wars. The untimely death of the author has left us with a sensitive account of the British movement for disarmament during the first World War, carried on chiefly by Liberals and Laborites, and of its effect on Allied war aims and on the Treaty of Versailles. The author believed that if the movement for disarmament had been successful, it would have "immeasurably improved the conditions of international politics" in the post-war years. This debatable conclusion, however, does not affect the scholarship of the present volume, which contains many valuable facts, leads, and suggestions not only for historians and analysts of disarmament, but also for students interested in the relationships between liberal ideologies and international politics.

World Politics. BY A. F. K. ORGANSKI. (New York: Alfred A. Knopf. 1958. Pp. xii, 461. $7.50. Text $5.75.)

This well written new text in international relations is divided into three broad sections. Part I, "The Unit of Action—the Nation," explores the nature of the forces that shape a particular people into a cohesive national unit and examines national goals and such elements of national power as geography, population, and political structure. Part II "treats relations among nations, starting out with the kinds of relationships that characterize dealings between very strong nations and very weak nations and moving on to relations among the great powers." Here the author deals with such problems as colonialism, balance of power, and diplomacy. In Part III the basic movements, ideas, and structures of international organization are analyzed. One chapter deals with collective security, others with the League of Nations and the United Nations, and still others with the "contradictory forces of national sovereignty and international interdependence." A concluding section sets forth the author's view of the state of international relations and his predictions about the future.

SELECTED ARTICLES AND DOCUMENTS ON
INTERNATIONAL LAW AND RELATIONS

WILLIAM H. ROBERTS
Catholic University of America

ARTICLES

International Politics and National Policies

General

Barcia Trelles, C. En Torno a un Parangón: Equilibrio Político y Bipolaridad Posbélica. *Política Internacional.* August, 1958.

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POLITICAL THEORY, RESEARCH, AND METHODOLOGY

Russland und der Messianismus des Orients: Sendungsbewusstsein und Politischer Chiliasmus des Ostens. By EMANUEL SARKISYANZ. (Tübingen: J. B. C. Mohr. 1955. Pp. xii, 420. DM 26.)

This is an amibitious effort in the history of ideas. The first half is devoted to a study of the "Russian idea" or the Russian *Nationalgeist;* the other half deals with kindred aspects of oriental idologies. The author assumes (p. 2) that there *is* such a thing as *the* national spirit of Russia, although he does not explain how it can be defined, i.e., bounded against various "non-Russian spirits," both within and without Russia. He rejects the "mechanistic sociological" approaches which he says are popular in Anglo-Saxon countries and declares himself "in the main" an adherent of the "idealistic philosophy of history" (p. 5). He asserts, however, that the "ideological phenomena" that are the object of his study should not be conceived as "primary causes" of historical events but merely as a "working hypothesis" (p. 6), which presumably means as a model in which abstraction is made from other than ideological factors. All this is partly obscure and partly naive. Throughout, there is plentiful reference to the "Russian idea" which constitutes the "deeper reasons" or "deeper forces" in the flow of history. The difference between such "reasons" or "forces" and "primary causes" is elusive.

Nevertheless, the book is more interesting than can be expected from the somewhat confused methodological pronouncements. The main point in the "Russian" half of the study is that the ideology of Marxism *per se* is quite insufficient for the comprehension of Russian Bolshevism, which must be viewed against the background of "Russian ideology." A large part of the book is therefore devoted to a description of the Russian "world principle." The author stresses the holistic (*ganzheitlich*) character of Russian thinking, its "panethicism," and the specific concept of *Pravda* with its threefold inseparable meaning of truth, law, and justice. The "sub-historical' [*sic*] messianistic-chiliastic elements of Russian tradition, the concept of *sobornost'*, of collective guilt and collective redemption, the doctrine of the dissolution of the state in the lap of the church, the flight from the world—all these are described in detail. The author then shows how much of this traditional ideology of old Moscow, continuing in the "old-believing depths" of the Russian people, was taken over by Russian revolutionary ideologies of the nineteenth century, particularly populism, and thence entered Russian Bolshevism. At this point, however, the historical continuity of the "Russian idea" was both reaffirmed and broken. For the Russian revolution was both the acme and the negation of Russian chiliasm (p. 402): Bolshevism, having received its "motive forces" from Russian orthodoxy, turned away from that spiritual source and entered upon a process of *Verbuergerlichung,* i.e., of becoming filled with bourgeois spirit, (pp. 149, 152, 402, 405); in this process, Bolshevism reduced human personality to a "mechanical commodity" and thereby "actually joined the general evolution of the West" (p. 406).

Neither these dialectical contortions, nor the quaint terminology, nor the fact that the attitude toward the individual is precisely the area where Bolshevism (to put it gently) failed to "Westernize" Russia should disguise the existence of certain fairly obvious similarities or recurrences in the course of Russian history. In the October Revolution, when the Bolsheviks were carried to power on a wave of peasant rebellion, they made generous use of popular slogans borrowed from the value system of the Russian peasantry. Moreover, certain quite unpleasant aspects of populist attitudes and policies appear to have been lastingly duplicated in the value system and practice of Soviet Russian leaders. But the extent to which such duplications represent genuine "continuities" is a moot question to which unfortunately our author does not address himself. This should be the central problem of any serious intellectual history.

Unguarded inferences from similarities to continuities can be quite deceptive. Ideas can be rediscovered independently of past history, or borrowed from other sources. They may be adopted merely for strategic or tactical reasons and not be an integral part of the value system of the alleged carriers of continuity. Lenin's doctrine of the marcescence of the state is a good example. Mr. Sarkisyanz points out that "one of the roots" of Lenin's radical position, as developed in *State and Revolution*, leads *via* Bakunin to the anarchic position of the "ecclesiastic slavophiles" (p. 68) and presumably thence into the primeval soil and soul of old Moscow. This may be true, but he offers no evidence, nor does he try to compare the relative significance of the individual "roots." Yet only through such comparisons can the idea of continuity be persuasively conveyed to the reader. It is all right to stress the eschatological character of "Russian" thought. But a look at any serious book on Western ideology would have convinced the author of the presence of strong eschatological elements in Western Socialism. However much importance one may wish to attribute to a country's own spiritual past, it is advisable not to forget Esaias Tegnér's profound and candid word: "In the last analysis, all culture stands upon leased ground."

Moreover, the *Weltanschauung* of old Moscow was much less massive and consistent than the author would make us believe. And ideologies that developed during the St. Petersburg period may also provide a reasonable point of imputation for contemporary value systems. In fact, several times (e.g., pp. 165–167) the author has to draw rather obvious analogies between Soviet Russia and Petrine Russia, oblivious that elsewhere in the book Petrine Russia is presented as negating the true Russian tradition. With intellectual history becoming increasingly popular, it is important to keep in mind that *Nationalgeist* is far from being a common sense concept (however well it may lend itself to academic small talk) and that the essence of scholarship consists in clear awareness of conceptual and inferential limitations.

Since our author foregoes any attempt to buttress his thesis by showing its limitations, preferring emphatic assertion to the much more modest and laborious collection of evidence and application of balanced judgment, the book's primary appeal is directed to faith rather than to reason. Moreover, a reasoned approach to the problem of ideological continuity would almost inevitably have called for broader historical models. The problem, of course, is not whether ideas determine circumstances or *vice versa*, but that it is very difficult to discuss ideas in a sociological vacuum. Many additional insights might have been won if the author had treated his problems in relation to Russia's changing conditions of political and economic backwardness. In particular, it might have been useful to ascertain under what conditions and pressures certain ideas and values not only appear and disappear, but also re-appear on the historical stage.

While the treatment of Russian ideology raises serious objections, the second part of the study has immediate and significant bearing on current policies. In a general review of elements of prevailing ideologies in Islamitic countries, India, Burma, and Indonesia, the author shows quite convincingly (though mostly with the help of translated or secondary sources) how many ingredients of "Russian" ideology can be discerned in these countries. The Soviets certainly put those ingredients to account in their own propaganda in the early days of Soviet history and have derived therefrom valuable lessons for their oriental policy. The attempts to connect Islamitic or Buddhistic ideas, or derivations therefrom, with the Soviet version of Marxism and to place the resulting explosive mixture at the service of Russian political purposes deserve a great deal more attention than they have received so far. It is irrelevant in this connection that Soviet Marxism may have very little, if anything, to do with the original commodity. The point is that the ethos of a high rate of industrial growth may turn out to be quite compatible with "messianic yearnings." The author does not see this too clearly. Problems of economic growth seem too mundane for his cogitations; moreover, he insists that the Soviet policy in China is not just a continuation of the Empire policy, but is motivated by the "Russian idea" although "in a distorted form." Nevertheless, the emphasis upon the Soviet *Realpolitik* aspect of those ideological affinities in backward countries constitutes the main value of the present book.—ALEXANDER GERSCHENKRON, *Harvard University.*

Mitteleuropa in German Thought and Action, 1815–1945. BY HENRY CORD MEYER. (The Hague: Martinus Nijhoff. 1955. Pp. xv, 378.)

The book that resulted from Mr. Meyer's many years of research is a valuable contribution to the literature on German modern history. The author used an enormous quantity of sources and covered most important aspects of the *Mitteleuropa* question: economic, national, and political. While tracing the recent stages of the mid-European conception, he connects it in an interesting way with various German attempts at creating larger economic units and with the struggle between the *kleindeutsch* and *grossdeutsch* ideas, as well as with the internal problems of the Habsburg Monarchy.

Some of his opinions evoke, however, serious reservations. His thesis is that the idea of *Mitteleuropa* did not play any decisive role in German thought and action before World War I. One of his arguments is that the German economic penetration of Middle Europe played an insignificant part in comparison with the world-wide aspect of German economy. He states, for example, that only one-fifth of the German capital located abroad was invested in Middle Europe. It is to be observed that in this connection the author uses the term Middle Europe only in reference to Austria-Hungary and the Balkans, while treating Turkey as "overseas," as "being almost completely subject to maritime contact and seapower" (p. 68). However, *Mitteleuropa* as a political and economic notion was not identical with Middle Europe in geographical meaning. The *Mitteleuropa* enthusiasts, whether they represented the socialist left (p. 165) or the extreme right (p. 214), included Turkey in the concept. There is also no doubt that they considered Russian Poland as a part of it. Consequently, if one speaks of German capital located in *Mitteleuropa,* one ought to take into account not only Austria-Hungary and the Balkans but at least Turkey and Russian Poland as well.

It is also desirable to keep an eye not on the static picture of German investment policy but rather on its dynamic aspect. Thus, for instance, it is important to know that the increase of German investments in Austria-Hungary, which was the biggest importer of German capital in Europe, went along with the decline of French investments in that country. The French investments reached 2.5 billion francs in 1900 but only 2.2 billion francs in 1914 (Herbert Feis, *Europe the World's Banker, 1870–1914,* New Haven, 1930, p. 51).

Mr. Meyer's data on German trade with Turkey cause grave doubts. We learn from recent detailed research (M. L. Flaningam, "German Eastward Expansion, Fact and Fiction: A Study in German-Ottoman Trade Relations 1890–1914," *Journal of Central European Affairs*, January 1955, pp. 322 f.) that in 1913 the value of Turkey's trade with the United Kingdom was $54.8 millions; with Germany, $43.1 millions; with Austria-Hungary, $35.8 millions and with France, $33.8 millions. Mr. Meyer says, however, that in 1914 (the first year of war!) "Britain had 21 per cent, Austria 16 per cent, France 12 per cent, and Germany 8 per cent of Turkey's trade" (p. 72).

In this case, also, the trend is much more important than the static data. In 1900 the United Kingdom participated in Turkey's trade to the amount of $54.5 millions, France $28.9 millions, Austria-Hungary $22.1 millions, and Germany $16.1 millions (Flaningam, *loc. cit.*).

Mr. Meyer also connects the weakness of the *Mitteleuropa* idea before World War I with his opinion that the *Reich*-Germans, fascinated with *Weltpolitik,* were not interested in mid-European affairs and especially in Austrian problems. This opinion is based, to no small extent, on writings by the fanatic Bohemian-Germans and even Nazi historians (e.g., pp. 48–56). Such sources seem to be doubtful. One ought not to forget that those authors wrote from the viewpoint of an extreme nationalism and that their writings served current political aims. While handling such sources one should remember that there is something that the Germans call *Zweckpessimismus.*

Another reason for the failure of the *Mitteleuropa* idea in pre-war Germany was, according to Mr. Meyer, the absence of geopolitical science and geopolitical thinking in that country prior to 1914. The spread of geopolitics in Germany, Mr. Meyer writes, was due to Professor Kjellén's influence, which started with the first German translation of one of his books in 1914. One cannot agree with this view. Professor Kjellén popularized the term *Geopolitik*, but the views he proclaimed had been, in essence, known in Germany ever since Friedrich Ratzel (1844–1904), Professor in Munich and later in Leipzig, published his *Politische Geographie* in 1891.

Mr. Meyer's contrast between the underdevelopment of *Mitteleuropa* thought and action prior to World War I and its prosperity during the war seems to be too sharp. Undoubtedly, the blockade and current war aims helped to develop the *Mitteleuropa* combinations in Germany. But in Mr. Meyer's book the war blockade appears as a factor excluding *Weltpolitik* for ever. In fact, from the German point of view, the war was supposed to open real possibilities for *Weltpolitik* and not to eliminate it; the *Mitteleuropa* program was not to replace *Weltpolitik* but rather to help to put it into effect. The leaders of the Pan-German League understood the problem in this way (see Mr. Meyer's book itself, p. 53).

Mr. Meyer distinguishes the leading "mid-Europeans" from National Socialism. The result of this attempt seems to be doubtful. It is true that Nazi historians and political writers considered some of the "mid-Europeans" as not "orthodox" enough. But this does not change the fact that National Socialism derived many ideas from the *Mitteleuropa* philosophy and that this philosophy was for many Germans a justification of Nazi policy.

Mr. Meyer discusses the problems of *Mitteleuropa* in post-1918 and Nazi periods only very briefly at the end of his book. This is a matter of regret: a detailed analysis of the Nazi type of *Mitteleuropa* and its connections with the earlier forms would be extremely interesting. The last part of Mr. Meyer's book suffers also in another respect: he considers only the thought and not the action, though Nazi Germany acted toward the construction of *Mitteleuropa* and built it to a large extent. It was the greatest *imperium* of extermination and slavery ever known.

One certainly can learn very much from Mr. Meyer's book. It also suggests various reflections. A thorough knowledge of the German idea of *Mitteleuropa* shows its dangers for non-German peoples of Central Europe. One sees the whole depth of the nationalistic intoxication in Germany. One feels even more worried at certain facts taking place in Germany today, like the reappearance of the review *Geopolitik*.—J. W. LUKASZEWSKI, *Harvard University*.

The Tension of Citizenship: Private Man and Public Duty. BY H. MARK ROELOFS. (New York. Rinehart and Company. 1957. Pp. xix, 260. $4.00.)

Mr. Roelofs presents us with "a sermon" on citizenship and expounds its elements as participation, service, and privacy. The fact that these elements sometimes conflict accounts for his title. A major premise of his discussion is that "the moral commitments of the democrat are a consequence of his history and that, therefore, the nature of these commitments is only to be discovered by historical analysis."

On this ground he justifies a long excursus into Greek, Hebrew, Roman, and Christian contributions to the concept of citizenship. The Periclean ideal demanded participation in the life of the *polis*. But the Greeks did not conceive the individual as valuable in himself; hence, Mr. Roelofs argues, there was something potentially totalitarian in "being free only to participate." Hebrew traditions emphasized the vitality of the individual; the sense of *nephesh*, the whole man, is found in his will, activity, doing. But his sphere of activity is that of service to the nation and the result may be "to equate the man with his tribe" (p. 71).

Individualism to Mr. Roelofs means that citizens should have a "private occupation" and be members of a universal brotherhood transcending any actual community. He believes that the philosophy of Stoicism, Roman law, and the political institutions of the Empire led to a "dual citizenship" that gave the structure though not the content of individual freedom. Roman influence aided the development of the Brotherhood of Man in early Christian thought. He holds that the third essential element of citizenship, "private occupation," found expression in the writings of Augustine.

In this account of our "heritage," the limited interpretation of the teaching of the Gospels must be questioned, particularly the statement that "Jesus did not do more than transfer to the individual alone the mission of loyalty to Yahweh, of keeping the Covenant" (p. 108). And the refusal to find in the Protestant Reformation any major contribution to individualism should be challenged.

The last third of the book is a confused and often paradoxical attempt to discuss rights in terms of citizenship. The author rejects any theory of inherent rights. He finds in the Declaration of Independence and in Mill's essay *On Liberty* "philosophies which are . . . so woefully inappropriate as to be incapable of defending freedom" (p. 177), yet he insists that he shares their "value commitments." Referring to the language of the First Amendment, Mr. Roelofs says, "this kind of talk is to invite anarchy in wide areas of social life" (p. 166). Ignoring the development of law and political experience in the sixteenth and seventeenth centuries, Mr. Roelofs attributes the concept of natural or inherent rights to the "Outlook of the Enlightenment" and to "Deistic Rationalism," which he apparently abhors.

Although moved by a serious concern for the individual's "private occupation," Mr. Roelofs defends it in puzzling terms. He holds that the state must be the judge of any limitations placed upon its actions. Citizens should urge the state to be the servant of society, but a right does not exist until it is recognized by the state. Americans must look to "the Christian vision of a Brotherhood of Man under the kingship of the Christian God" (p. 235) for the defense of democracy. On the basis of this tradition—as he defines and confines it—Mr. Roelofs revises the beginning of the second paragraph of the Declaration of Independence. His draft must be read to be appreciated.

Many thinkers, Christian and non-Christian, have contributed to our understanding of citizenship and of that wider area of life connoted by the term "individual." If Mr. Roelofs had paid attention to more of them, and if he had not chosen to regard individualism only as a function of citizenship, his would be a better book.—LAURENCE STAPLETON, *Bryn Mawr College.*

Political Thought in Medieval Islam. BY ERWIN I. J. ROSENTHAL. (Cambridge: At the University Press; New York: Cambridge University Press. 1958. Pp. xi, 323. $6.50.)

Before he wrote his doctoral dissertation on *Ibn Khalduns Gedanken über den Staat* (1932), Dr. Rosenthal toyed with the idea of writing a history of Islamic political thought, but he found that the subject was too extensive and that no preliminary work had yet been done on individual thinkers. He therefore decided to limit his subject to a study of Ibn Khaldun's theory of the state. His work on Ibn Khaldun led him later to pursue his research, mainly published in *Islamic Culture,* on other leading thinkers, until he was in a position to publish in 1958 the volume under review.

Dr. Rosenthal's book is perhaps the first serious attempt to study Islamic political theory in a single volume. However, it is neither a straightforward history of Islamic political theory—for he left much to be desired—nor a systematic study of the state as such and the theories of Muslim publicists relating to it. Perhaps it is too early in the present state of research on this subject to make such an attempt. Dr. Rosenthal has deliberately chosen representative publicists on the Islamic conception of law and government, and a highly selected category of *falasifa* (philosophers) who, among other things, formulated theories relating to the state and authority. Thus the book is divided into two parts. In the first, entitled "Constitutional Law and Muslim History," the ideas of leading jurists, the views of writers on ethics, and the experiences and observations of statesmen and state counsellers are critically studied. A discussion of Ibn Khaldun's theory of the power-state, a summary of the author's earlier study, is presented here. The author seemed to have failed to make use of two important contributions on this thinker, one in Arabic by Sati'al-Hasri, entitled *Studies on Ibn Khaldun* (Cairo, 2nd ed., 1953), and the other (perhaps too late for the author to consult) in English by Muhim Mahdi, entitled *Ibn Khaldun's Philosophy of History* (London, 1957).

The second part of the book, entitled "The Platonic Legacy," is a profound analysis of the political theory of five Muslim philosophers who made an attempt to blend the traditional conception of Islam on law and authority with the Greek secular ideas of law and authority. This reviewer may not share Dr. Rosenthal's interpretation of Ibn Bajja's deviational views on the state, but agrees on the whole with his analysis of the political theory of Ibn Sina (Avicenna) and Ibn Rushd (Averroes). The latter, Dr. Rosenthal says, "achieved as nearly as possible agreement between [Greek] philosophy and [Islamic] revealed law" (p. 211). At the end of the book there is an appendix in which the views of two Turkish publicists on politics are summarized—they are both seventeenth century writers, but their thinking betrayed the traditional Turkish-Islamic thought unaffected by their country's contact with Europe. In the same category falls the treatise of Sari Mehmed Pasha, the Defterdar, translated and edited by W. L. Wright, entitled *Ottoman Statecraft* (Princeton, 1935) which Dr. Rosenthal could as well have mentioned, since it is available in the English language.

Dr. Rosenthal's book, which reflects his ability to handle his sources in the original classical Arabic, is limited both in scope and in the use of published material on the subject. Dr. Rosenthal has omitted a number of Muslim thinkers whose political theory he might have studied, such as Ikhwan al-Safa. He might also have reconstructed the Prophet Muhammad's conception of authority, law, and the state from the Quran and other traditional sources. The present reviewer regards the use of the term theocracy, applied to the Islamic state, as inaccurate; he is of the opinion that it should be called nomocracy in order to distinguish it from other truly theocratic states which have existed under other systems of religions such as Shintoism (as he pointed out in his *War and Peace in the Law of Islam*). In a study like this, a Western writer is liable to make a number of misspellings and factual errors, but Dr. Rosenthal's slips are very rare (perhaps only two or three which the reviewer has detected) and he is to be congratulated on such a thorough and profound study.—MAJID KHADDURI, *School of Advanced International Studies, Johns Hopkins University*

Richard Baxter and Puritan Politics. EDITED AND WITH AN INTRODUCTION BY RICHARD SCHLATTER. (New Brunswick, N. J.: Rutgers University Press. 1957. Pp. 178. $4.50.)

In tracing the roots of liberal and democratic thought to the Puritan tradition, contemporary scholars, Richard Schlatter contends, have tended to lose sight of the facts that "to the majority of seventeenth-century Puritans, both English and American, 'democracy' and 'liberty' were despicable" and that those elements of Puritan political thought that most impress us as anticipations of modern liberalism had their original meaning in the essentially illiberal context of a system of thought that was theocentric in values and theocratic in political conviction. He suggests that "an equal amount of ingenuity might make an equally good case for the theory that democratic liberty . . . was won by defeating the main body of the Puritan movement"; and this suggestion (not altogether novel) is cogently supported by the present book, which sets forth the political thought of Richard Baxter, respected and influential spokesman for the Puritan position in the era of Civil War and Commonwealth and stubborn leader of the persecuted Non-Conformists after the Restoration. Selections from Baxter's political writings, heretofore generally ignored by scholars, make up the bulk of the book, and are acutely analyzed in a forty-page introduction. The texts and the analysis substantiate the editor's conclusion: "It is true that once you cut the heart out of Baxter's politics, once you take away religion as the prime concern of the magistrate, once you commit the, in Baxter's opinion, fatal error of separating Church and State, then the thin substance that is left can be called liberal: Consent and contract and fundamental law and freedom of conscience are there. But for Baxter they meant the consent of the Saints, the contract between the godly electorate and the godly elected, and the fundamental law guaranteeing to the Saints the right to worship in the way right conscience dictates, and the freedom to oppress the profane and the heretical. Democracy and liberty are the residue of this kind of Puritanism, the dregs left after the wine is gone."

The Doctrine of Saint-Simon: An Exposition. First Year, 1828–1829. TRANSLATED WITH NOTES AND AN INTRODUCTION BY GEORG G. IGGERS. (Boston: The Beacon Press. 1958. Pp. lxviii, 286. $4.95.)

The "first year" of the *Exposition*, originally a course of public lectures delivered in Paris in 1828–1829, expresses the ideas of the Saint-Simonians in transition from the later teachings of Saint-Simon himself to those soon to be expressed by the "Church" of Enfantin. It covers the Saint-Simonians' theory of history, their analysis of the crisis of their time, and their program calling for transformations in property rights, the use of the banking system as the regulator of a new economic order, and the education of citizens toward their specific social functions; it concludes with a sketch of the Saint-Simonian concept (to be more fully elaborated in the "second year") of the new religion on which both science and society must ultimately be based. The authoritarian and totalitarian emphases of the Saint-Simonians, as distinguished from the major emphases of Saint-Simon himself, their rejection of Comtian positivism as a mere historical phase to be superceded by a super-rational and super-empirical creed, their basic differences from the individualistic Utopians, their deep indebtedness to Catholic traditions of an institutionalized religion, and their affinity with modern totalitarianism appear clearly in the *Exposition* and are ably discussed by the translator in his introduction. A brief prefatory note by G. D. H. Cole reminds the reader that this first English translation of the *Exposition* is a valuable complement to, but not a substitute for, translation of the still untranslated works of Saint-Simon.

Church, Kingship, and Lay Investiture in England, 1089–1135. By Norman F. Cantor. (Princeton: Princeton University Press. 1958. Pp. xiv, 349. $6.00.)

Dr. Cantor's detailed historical study of church-state relations in England, 1089–1135, is a significant contribution to understanding the theoretical and political complexities of issues related to the English phase of the "investiture struggle." In line with present trends of interpretation, Dr. Cantor emphasizes the variety of ideological positions between the extremes of regalism and Gregorianism and the interplay of practical considerations that influenced the shifting strategies of protagonists in the struggle. He incidentally sheds light on a number of questions currently disputed by historians of the period: among them, the significance and authorship of the "*York Tractates*," which he plausibly re-assigns to Gerard, Archbishop of York, a partisan of Henry I who was ultimately converted to Gregorian views.

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NEWS AND NOTES

1959 ANNUAL MEETING AND SLATE OF OFFICERS FOR 1959–60

The 1959 Annual Meeting of the Association will be held September 10–12, at the Mayflower Hotel in Washington, D. C. Professor Emmette S. Redford, of the University of Texas, is Chairman of the Program Committee, and Vincent Rock, Office of Civil and Defense Mobilization, is Chairman of the Committee on Local Arrangements.

At the Annual Business Meeting the Nominating Committee (comprising Kenneth W. Thompson, Chairman, George B. Galloway, Thomas P. Jenkin, John W. Masland, C. Herman Pritchett, and Donald S. Strong) will propose the following officers for 1959–60: President-Elect, Emmette S. Redford (University of Texas); Vice-Presidents, David Fellman (University of Wisconsin), George A. Graham (Brookings Institution), and Alpheus T. Mason (Princeton University); Secretary, Victoria Schuck (Mount Holyoke College); Treasurer, Max M. Kampelman (Washington, D. C.); Members of the Council for two years, Edward McN. Burns (Rutgers University), Charles E. Gilbert (Swarthmore College), Arthur Naftalin (Commissioner of Administration, State of Minnesota), George A. Shipman (University of Washington), George W. Spicer (University of Virginia), Paul G. Steinbicker (St. Louis University), Robert Walker (Stanford University) and Rene De Visme Williamson (Louisiana State University).

PROGRAM: 1960 MEETINGS

Early appointment of the Program Committee for the annual meetings of the Association to be held in New York City in September, 1960, makes it timely now to invite anyone having program suggestions for the occasion to convey them as soon as may be convenient to the Chairman or an appropriate member of the Committee. Its members are: C. Herman Pritchett, University of Chicago, Chairman; Samuel Beer, Harvard University, Comparative Government; Harlan Cleveland, Syracuse University, International Relations; David Fellman, University of Wisconsin, Public Law; George A. Graham, Brookings Institution, Public Administration; John H. Hallowell, Duke University, Political Theory; Norton E. Long, Northwestern University, State and Local Government; John A. Vieg, Pomona College, Political Parties; and Ruth G. Weintraub, Hunter College, National Government.

NOTICE TO ASSOCIATION MEMBERS

Report of Executive Committee Action on the Report of The Committee on Finances and Program

Following the Executive Committee Meeting on November 1, 1958, President Cole, in accordance with action of the Committee, appointed a Committee on Finances and Program composed of Pendleton Herring, Chairman, Taylor Cole, Max M. Kampelman, V. O. Key, Harold D. Lasswell, and E. E. Schattschneider. The Committee was authorized to examine the financial situation of the Association, the Association's program, and other related matters, and to make recommendations to the Executive Committee and Council. The Committee met on January 20, 1959, and later drew up a two-part report, the first part dealing primarily with finances, the second part with program. The first section of the report follows:

"The problems presented to this Committee are not new ones nor are they peculiar to our Association. The year-by-year inflation of the past ten years—resulting in greatly increased printing costs, and in significantly increased costs for supplies, rent, postage, and services—has placed a severe strain on the Association's budget. This is all the more severe since a number of our basic costs have risen more rapidly than the general cost of living. For example, the cost of printing the REVIEW in 1947 was $8,782; in 1959, it will run between $26,000 and $27,000. Direct cash expense for publication of the REVIEW doubled between 1949 and 1959. In 1950–1951, the direct costs for the REVIEW (these include only printing and editorial expenses) were approximately 50 per cent of the income from dues. Today, in spite of greatly increased membership, the direct costs for the REVIEW are approximately 68 per cent of the income from dues. These figures do not include handling memberships and subscriptions, billing, bookkeeping, central office expense, postage for returned REVIEWS and for remailing.

"By careful handling of the funds available and by a decrease in personnel and office efficiency, the Association's budget has been kept in balance. In his 1957 report and again in 1958, however, the Treasurer made clear that the Association would have to give serious consideration to ways of producing additional income if the activities and services of the Association were to be efficiently maintained and continued.

"The financial problems of the Association have been discussed during the last two years by the Executive Committee and Council, and President Key brought them to the attention of the Council and Business Meeting in St. Louis in September, 1958. With a budget deficit of $4,219.85 approved by the Council for 1958–59 and the expectation of continued inflation, the matter was again discussed at the first meeting this year of the Executive Committee, November 1, 1958, and President Cole was authorized to appoint this Committee to examine the program, activities, and financial situation of the Association and make recommendations to the Executive Committee and Council.

"All other comparable professional associations are faced with similar financial problems. Confronted with a deficit this past year, The American Economic Association appointed a committee on the deficit. The American Historical Association is reexamining its financial situation. In both cases, this has been necessary in spite of rather large endowments: over $700,000 in the case of the historians, over $170,000 in the case of the economists. The American Sociological Society has increased its dues to $6 for students, $12 for subscriptions to its *Review*, $15 for regular members, and $20 for Fellows (members of five years standing.) The American Association of Geographers increased dues last year from $10 to $15. The dues of The American Anthropological Association are $8.50 for students, $13.50 for members and Fellows. The American Psychological Association dues are $20 for members and $25 for members after two years.

"This Committee, having examined the program and activities of our Association, reviewed the budget and the financial problems that have resulted from inflation and that will, in all likelihood, be exacerbated by continued inflation, has come to three conclusions. On the basis of current income, one, a number of current Association activities will have to be discontinued or further cut down; two, additional programs or activities of the kind that have been approved but not implemented, for example, publication of a new *Directory*, cannot be undertaken. Finally, failure to maintain present activities and to implement those that have been approved will undermine the standing of the profession and decrease the possibility of recruiting new members, of obtaining endowment, or of securing foundation support for those activities that should be undertaken. The committee, therefore, recommends that three lines of action be pursued simultaneously:

I. Dues, as defined in 1949, should be increased to:
  A. Student members..................$ 6.00
  B. Regular members and Subscribers....$ 15.00
  C Life members: either eliminate or increase to........................$1,000.00
  D. Retired members: for those who have maintained membership for thirty consecutive years prior to retirement Reduced dues

II. A continuing program of membership recruitment should be carried on. The activities of the national office during the past year have been very helpful in this respect. Under a contract with ICA, membership has been made available to ICA trainees abroad at greatly reduced rates to the trainees. In addition, a grant has been received from The Asia Foundation to subsidize membership for Asian political scientists, libraries and research institutes. Finally, through the good offices of Francis Wilcox, a grant has been secured from the Alexander Freeman Foundation to carry on an intensive membership campaign over the next year.
The Committee believes, however, that a continuing long range membership campaign is a most essential part of the development program of the Association and warrants expenditure of regular staff time and funds through the years.

III. Continuing efforts should be made to increase the endowment funds of the Association. Some steps can be taken without much expenditure of time or money, for example, printing a standard form of bequest in the REVIEW and calling attention to the possibility of furthering the purposes and functions of the Association by gift or bequest. Other efforts will require a greater expenditure of time and money, but should be made a continuing part of the Association's activities.

"The Committee believes that the above actions, if adopted and implemented will enable the Association to:

(1) eliminate its deficit, maintain the stability and quality of the REVIEW in the face of rising costs of publishing, and maintain and strengthen the current program of the Association;
(2) assure the possibility of continued sessions of the nominating, program, editorial and other essential committees together with a chance of a somewhat broader geographical representation;
(3) carry on a continuing membership and endowment campaign;
(4) publish a new *Directory:* a reserve fund should be set aside and the *Directory* published regularly at intervals to be determined by the Executive Committee and Council; and
(5) provide funds for such committees as are needed in strengthening existing programs and developing those programs and activities that have been approved but not implemented."

This section of the report, along with other relevant material, was thoroughly discussed by the Executive Committee on March 7, 1959. On a motion by Ralph Huitt, seconded by John Davis, the Executive Committee unanimously gave general approval to this section of the report. In addition, the Executive Committee took specific action, item by item, on the recommendations with respect to dues, as follows:

A. With respect to student members: on a motion by Ralph Huitt, seconded by Harvey Mansfield, the Committee unanimously recommended to the Council that the student dues be increased to $6.00.
B. With respect to regular members and subscribers: on a motion by Emmette Redford, seconded by John Davis, the Committee unanimously recommended to the Council that (1) dues for regular members be fixed at $15.00, and (2) that the Council be authorized to fix the dues for institutional and library subscribers at a rate not less than that for regular members.
C. With respect to life members: on a motion by John Davis, seconded by Ralph Huitt, the Committee unanimously recommended to the Council that (1) the life membership be retained, (2) that it be called sustaining or contributing life membership, (3) that the dues for such membership be $1000.00, and (4) that dues from such memberships be added to the endowment funds of the Association.
D. With respect to retired members: on a motion by John Davis, seconded by Ralph Huitt, the Committee unanimously recommended to the Council that dues be fixed at $8.00 for those members who have at least twenty consecutive years of membership immediately preceding retirement.

In brief summary, the second section of the Report of the Committee on Finances and Program, dealing with the Association program, follows:

"*Programs and activities.* The Committee believes it very important for the Association to contribute to the professional development of its members and to aid in creating an adequate image of political science and political scientists on the part of the public. . . .

"In considering future programs and activities, the Committee recommends that the Executive Committee and Council give priority to maintaining and strengthening present activities and those new activities that have already been approved before developing additional programs. Specifically, the committee recommends that first priority, and one which the financial recommendations above should make possible, be given to maintaining the stability and high quality of the REVIEW and the Annual Meetings. . . .

"Secondly, the Committee recommends the publication of a new *Directory;* it also recommends that the *Directory* be published on some regular schedule of three, four, or five years and that money be set aside each year in the budget to make this possible. . . .

"Only when the above activities that have already been approved have been developed should the Association seek to move in new directions. When that time comes, however, the Committee recommends that special attention be given to the relation between the Association and the teaching of government in the secondary schools and to problems of documentation and improved methods of communication among political scientists."

The Executive Committee discussed the second section of the report very briefly, expressed general approval provided its recommendations do not place an increased financial strain on the Association, and agreed to discuss this section of the report further at the next Executive Committee Meeting.

Since the above matters require action of the Council and Business Meetings in September, 1959, the Executive Committee, on motion of Evron Kirkpatrick, seconded by Carl Swisher, unanimously approved the publication of this section of the Minutes of the Executive Committee Meeting of March 7, 1959 in the June issue of the REVIEW.

PROFESSIONAL CONFERENCES

Section K—Social and Economic Sciences—of the American Association for the Advancement of Science will hold sessions for contributed papers at the annual meeting of the AAAS in Chicago, December 26–31, 1959. Association members interested in presenting a paper at these sessions should forward titles and abstracts not later than September 20 to Donald P. Ray, Secretary of AAAS Section K, National Academy of Economics and Political Science, George Washington University, Washington 6, D. C. Papers should be based on research recently completed by the author. The American Political Science Association is an affiliate member of the Section on Social and Economic Sciences of the AAAS.

The annual meeting of The Ohio Association of Economists and Political Scientists was held on The Ohio State University campus on Saturday, March 14. Papers were given on "Cooperative Federalism: Food and Drug Control Problems" by James A. Woodworth, of Miami University; "Party Politics in Ohio" by Thomas Flinn, of Oberlin College; "United States Policy in the Middle East" by John Kelly, of Ohio Wesleyan University, and "The Birth of a New Nation: Cyprus" by Roy P. Fairfield, of Ohio University. The president, H. A. VanDorn, Kent State University, presided at the luncheon. The guest speaker was Dunning Idle, of Western College for Women, who spoke on "Emerging Africa." The officers for 1959–60 are: president, Leland Gordon, economics, Denison University; vice-president, Ray H. Gusteson, political science, Ohio University; secretary-treasurer, Mona Fletcher, political science, Kent State University. Ninety-five were in attendance.

Representatives from over forty civic, professional and business groups of the National Capital region attended the Citizens' Conference on Washington Area Metropolitan Problems conducted by the School of Government and Public Administration of The American University, January 16 and 17, 1959.

The Conference was co-sponsored by the participating organizations. Its theme was "The Citizens' Role in Shaping the Future of the National Capital Region." Panel discussions centered upon the political aspects of metropolitan problems in transportation, economic development and water resources. Each panel held sessions to consider, in light of its particular problem, the following general questions: "What are the reasons for, and consequences of, continuing as we are?" What are the requirements for firm decisions equal to the multi-jurisdictional scope of the problem?" And "What immediate citizen, group and governmental action might be taken to satisfy the basic requirements for firm decisions?"

The Conference was keynoted by Senator Alan Bible of Nevada, Chairman of the Senate Committee on the District of Columbia. Senator R. Vance Hartke of Indiana, delivered the dinner address on "National Policy for Urban America." Conference director was Mr. Royce Hanson of the faculty of the School of Government and Public Administration.

More than 70 representatives from 37 colleges, universities, military institutes, newspapers, foundations, and government services gathered at the Ohio State University on February 27 and 28 to participate in a Conference on Civil-Military Relations. The meetings, financed from Mershon funds and sponsored jointly by the Defense Studies Committee and the Department of History at Ohio State, discussed such topics as the development of wartime civilian leadership in Great Britain, Germany, Russia, and the United States; the tradition of civil-military relations in recent American history; the role of public opinion in policy-making; and the place of the military leaders in the Soviet Union and in Communist China. The featured speaker, Norman Gibbs, Chichele Professor of the History of War at Oxford University, delivered an address on "Winston Churchill and the British War Cabinet." Ten other papers were read; it is planned to publish them in a collective volume at a later date.

The Twelfth Annual Conference on the Causes of War and Conditions of Peace sponsored by the Borah Foundation for the Outlawry of War was held at the University of Idaho March 18–19, 1959. The theme selected for this year's conference is "Integrity and Expediency in Foreign Policy." Major addresses were delivered by Professor Malcolm Moos, Johns Hopkins University, on "The Role of Ideals in Foreign Policy"; Dr. Charles B. Marshall, Carnegie Endowment for International Peace, on "The Demands of Expediency"; and Charles Malik, President of the General Assembly, "Causes of War and Conditions of Peace." The Conference is a public event attended by interested citizens and representatives of neighboring institutions.

The Woodrow Wilson Department of Foreign Affairs of the University of Virginia held a conference on "POLAND SINCE 1956" on April 3–4, 1959. The subjects discussed were, The Political and Ideological Situation, the Economic Picture, Foreign Relations, Intellectual Life, and Conditions of the Polish People Today. Some of the participants were, Zbigniew Brzezinski, Harvard University, Roman Michalowski, New York University, Marian K. Dziewanowski, Boston College, John C. Campbell, Council on Foreign Relations, New York, Jan Wzelaki, Washington, D. C. and others.

Indiana University was host to the directors of university public administration training programs on December 29–30, 1958 to discuss recruitment and selection of graduate students, improving pre-service academic programs, university in-service training services and research in university public administration programs.

Lloyd M. Short of the University of Michigan served as Chairman of the meeting, and local arrangements were made by York Willbern, Department of Government, Indiana University. Universities represented were Alabama, American, California (Los Angeles), Colorado, Cornell, Florida, Georgia, Harvard, Indiana, Maryland, Michigan, Michigan State, Minnesota, Missouri, Ohio State, Pennsylvania, Pittsburgh, Syracuse, Washington, Washington (St. Louis), Wisconsin and City College of New York. Also attending were individuals from Brookings Institution, Ford Foundation, the U. S. Office of Health Education and Welfare, the Southern Regional Training Program and The American Society for Public Administration.

OTHER ACTIVITIES

The American Academy of Arts and Sciences has announced annual awards of $1000 to the authors of unpublished monographs, one each in the humanities, the social sciences and the physical and biological sciences; recipients will be expected to arrange for publication. Closing date for 1959 is October 1. The reading committee for the social sciences consists of Clyde K. M. Kluckhohn, Merle Fainsod and Robert M. Solow. Address Committee on Monograph Prizes, AAAS, 280 Newton St., Brookline Sta., Boston 46, Mass.

Awards of $1000 each for the three best speeches or articles on public leadership have recently been established by The Fund for Adult Education. The prize-winning articles and speeches will eventually be published in a single volume either by the Fund or commercially. Awards, to be given in each of the years 1959 and 1960, are designed to generate the best thinking on the nature of public leadership and on ways in which more adequate education can be provided to help prepare American leadership on every level of social, economic and political organization to serve the general welfare. To be considered for an Award, a copy of the talk and a description of the occasion on which it was delivered should be sent to the Office of Information, The Fund for Adult Education.

While behavioral scientists are making increasing use of high speed computers in many novel ways, a rather serious lack of communication about them still exists. For instance, a considerable duplication of effort has been noted in the writing of programs for various kinds of statistical computations. To fill this gap, a behavioral science computer newsletter is being started, as a department of the quarterly journal *Behavioral Science*, published by the Mental Health Research Institute of The University of Michigan.

The first number of the newsletter appears in the April 1959 issue of *Behavioral Science*, and consists of: (1) News items about installations, people, training courses, and computer programs; (2) Brief papers descriptive of integrated systems of data processing, computation, information retrieval or simulation; (3) Somewhat longer papers about more general topics related to computer usage or programming; and (4) More theoretical papers about linear programming, machines that learn or play games, foreign language translation by machine, etc.

The committee responsible for the newsletter is: Steven G. Vandenberg, Mental Health Research Institute, University of Michigan; Bert F. Green, Lincoln Laboratories, Massachusetts Institute of Technology; Bruce MacKenzie, International Business Machines; John Mauchley, Remington Rand UNIVAC; Martin Rogoff, U. S. Bureau of Mines; Charles Wrigley, Michigan State University.

Manuscripts can be sent to Dr. Vandenberg, Dr. Green or Dr. MacKenzie. The subscription price of *Behavioral Science* is $6.00 a year, or $5.00 to persons who identify themselves as members of a recognized national professional or scientific organization. Checks may be made out to: *Behavioral Science*, Mental Health Research Institute, The University of Michigan, Ann Arbor, Michigan.

The editors are striving for a level of presentation somewhere between the elegance and length of the *Journal* of the Association of Computer Machinery and the brevity and popular tone of commercial news journals such as *Datamation* or *Computers and Automation.*

The Brookings Institution announces the award of six research fellowships in economics and governmental-studies for the academic year 1959–60. The Fellows were chosen competitively from a list of candidates nominated by the graduate faculties of leading universities. The awards went to David Ott, University of Maryland, Hourmouzis G. Georgiadis, Cornell University, Robert N. Schweitzer, University of California, Joseph Cooper, Harvard University, Eugene N. Feingold, Princeton University, Nelson Polsby, Yale.

The Graduate School of the University of Florida announces the initiation of a scholarly series to be entitled *University of Florida Monographs: Social Sciences.* The series will be devoted primarily to the publication of research by present and former members of the scholarly community of the University. Four numbers will be published each year with the first appearing early in 1959. Monographs will be drawn from the fields of anthropology, economics, history, political science, sociology, and from appropriate areas in education, geography, law, and psychology. Editorial communications should be addressed to L. N. McAlister, 111 Peabody Hall, University of Florida, Gainesville, Florida. Business correspondence should be directed to Lewis F. Haines, Director, University of Florida Press, Gainesville, Florida.

The department of social sciences at the University of Idaho has for many years had a master's program in political science. New doctoral programs in political science, and also history, will be initiated September 1959. Supporting fields within the department are sociology and philosophy and a strong supporting program is available in economics. The combination of faculty specialization with existing library resources seems particularly strong in the areas of American governmental institutions, state and local governments, political parties, legislation, public administration, and international relations. Prospective doctoral candidates should expect to write a dissertation in one of these areas.

A new scholarly journal, *Labor History,* is being planned for publication in late 1959 or 1960. The following are members of the editorial board: Richard B. Morris, Chairman; Daniel Bell, Walter Galenson, John Hall, Maurice Neufeld, Brendan Sexton and Philip Taft.

Labor History will publish articles in the following fields: original research in labor history, studies of specific unions and of the impact of labor problems upon ethnic and minority groups; broad interpretive articles on the theory of labor history, biographical memoirs and studies of important trade union figures; studies of foreign labor movements which shed light on American labor development; and studies of radical groups or radical history related to labor history.

Labor History, which will appear three times a year, is being published under a grant from The Tamiment Institute and in cooperation with the Society of Labor Historians. Contributions are welcome and should be addressed to Dr. Norman Jacobs, editorial director, c/o The Tamiment Institute, 7 East 15th Street, New York 3, New York.

The University of Oregon has established a research and graduate training Institute for Community Studies. The department of political science is cooperating with the department of sociology and the school of education in the comparative study of political, social and economic structures of American communities, from small villages to metropolitan areas. Robert Agger is Deputy Director and E. S. Wengert is a member of the policy advisory committee of the Institute.

The opening of the new Pius XII Library at St. Louis University will make available the Vatican Library in microfilm to scholars in all fields. This should be of particular interest to researchers in the history of political thought.

The newly elected officers of Pi Sigma Alpha are: Claude E. Hawley, President, Washington, D. C.; Eric C. Bellquist, Vice-President, University of California; Don L. Bowen, Secretary-Treasurer, American Society for Public Administration; Thomas I. Cook, Johns Hopkins University; Cullen B. Gosnell, Emory University; W. Brooke Graves, Library of Congress; Francis H. Heller, University of Kansas; Edward H. Hobbs, University of Mississippi; Frederick C. Irion, University of New Mexico; Evron M. Kirkpatrick, American Political Science Association; Charles E. Martin, University of Washington; Reuben G. Steinmeyer, University of Maryland.

A significant portion of the Truman Presidential Papers was opened to researchers at the Harry S. Truman Library in Independence, Missouri on May 11, 1959. Announcement of the opening date was made at the second annual meeting of the Harry S. Truman Library Institute for National and International Affairs, a nonprofit organization established in 1957 to foster the development of the Library as a research center.

Persons wishing to use papers and other materials are requested to make advance application to Dr. Philip C. Brooks, Director of the Library, at Independence, informing him of the nature and purposes of their projects. Students will normally be expected to include letters of introduction from their professors with their applications.

At the same time the Institute initiated a program of Grants-in-Aid. These will normally be grants of less than $500 to provide travel and living expenses for short periods of work at the Library. For the immediate future grants will be concentrated on those who are working on the period of former President Truman's public career and those who will be using the resources of the Truman Library.

The papers that will be opened include about three-fourths of two principal segments of President Truman's White House central files, those of some of his immediate staff, and a portion of the papers representing Mr. Truman's service as a Senator. It is estimated that they contain about one and one-half million pages. A collection of books, microfilm, and microprint will also be made available to users of the Library. In addition to supplementing the manuscripts, these materials deal with the nature and history of the Presidency and foreign relations of the United States in the first half of the 20th century. Many of the books came from the President's personal library. Others have been purchased from a grant of $48,700 made to the Harry S. Truman Library Institute by the Rockefeller Foundation.

Papers opened by the Library will be made available on an equal basis to all persons engaged in serious scholarly research.

Closed materials will be subjected to continuing review with the purpose of opening additional segments of the papers as rapidly as the passage of time and other pertinent factors permit. All papers temporarily retained by Mr. Truman for his current use will be similarly reviewed as soon as possible after their deposit in the Library. Categories closed for the present include papers that are security classified by Federal law or regulations; that may be prejudicial to the conduct of American foreign relations; that reveal statements made by or to the President in confidence; or that contain information likely to injure or embarrass living persons.

Morley Ayearst of New York University has been granted a sabbatical leave for the academic year beginning February, 1959. He will devote his time to research in Western

Europe and a study of party politics and pressure group activity in Ireland.

Alan Barth, editorial writer of the *Washington Post*, was visiting research professor of governmental affairs at the University of California (Berkeley) during the current year.

Rene Beauchesne, graduate student at Syracuse University, was serving as visiting lecturer in political science at Harpur College during the second semester.

Onkar P. Bhatnagar, professor, Allahabad University, India, has joined the faculty of the Woodrow Wilson department of foreign affairs of the University of Virginia as visiting professor for the second semester of the 1958–59 session.

Leonard Binder of the University of California, Los Angeles, is conducting research in Iran on certain religious groups, under the auspices of the Social Science Research Council.

Mr. W. Terrell Blodgett, assistant city manager of Austin, Texas, was serving during the spring semester, 1959, as visiting lecturer in government at the University of Texas.

Henry C. Bush of the department of political science of Wayne State University is on leave from February 1959 until February 1961 to serve with the International Cooperation Administration. He will be public administration advisor to the Ministry of Home Affairs of the Republic of Indonesia.

Raymond L. Carol is now associate professor of political science in the graduate school, St. John's University, Jamaica, Long Island.

James C. Charlesworth, University of Pennsylvania and president of the American Academy of Political and Social Science, and United States Senator Joseph S. Clark are jointly engaged in a project to analyze the key leadership and manpower needs of the United States and to see if a plan of corrective allocation can be devised and implemented. A conference looking toward these ends was held in Philadelphia on November 12, 1958, and a book on the subject will be widely circulated in September 1959. The circulation of the book will be followed by a campaign of implementation.

George A. Codding, Jr., assistant professor of political science at the University of Pennsylvania, was on leave of absence during the academic year 1957–1958 and the fall term of the academic year 1958–59. During this period Dr. Codding acted as consultant to UNESCO on telecommunication problems and carried out research on international organizations under a Guggenheim Fellowship.

Robert H. Connery of Duke will spend the academic year as visiting professor of government at Columbia University.

Milorad Drachkovitch, formerly professor of political science of the College of Europe, Bruges, Belgium, was visiting assistant professor of political science at the University of California (Berkeley) during the 1959 spring semester.

Joseph Dunner, professor of political science at Grinnell College, has returned to Grinnell from his sabbatical leave. During the last year he has lectured at the University of Wisconsin and at Cornell College, in Iowa. The Institute for Mediterranean Affairs has invited him to assist in the preparation of its study on "United States Foreign Policy in the Near East" under a grant of the Senate Committee on Foreign Relations.

Samuel J. Eldersveld, professor of political science at the University of Michigan, has received a leave of absence for the academic year 1959–1960. He will spend the year at the center for advanced study in the behavioral sciences.

During the first semester of 1958–59 Ahmet S. Esmer, professor of history at Ankara University, was visiting professor of history in the department of social sciences of the University of Idaho, and offered a course in history on the Middle East and another in political science on international relations. The department was able to secure Dr. Esmer's services through the cooperation of the John Hay Whitney Foundation.

Beginning with the Winter 1958–1959 issue of *Background on World Politics*, Alona E. Evans, professor of political science, Wellesley College, became an associate editor in charge of international law. She replaces Manuel R. Garcia-Mora, University of Detroit, who has gone to Lima, Peru, on a Fulbright grant.

Russell H. Fifield, professor of political science at the University of Michigan, has received a leave of absence for the academic year 1959–1960, in order that he may accept a research fellowship under the auspices of the Council on Foreign Relations. He will undertake a study of "Security in Southern Asia: Challenge to American Foreign Policy."

Russell H. Fitzgibbon of the University of California (Los Angeles) is in Italy pursuing an investigation of certain Latin American problems on a Fulbright grant.

Ernst Fraenkel, professor of political science at the Free University of Berlin, was visiting professor of political science at the University of California (Berkeley) during the 1958–59 academic year.

Carl M. Frasure, head of the department of political science at West Virginia University has been named special assistant to the regional director, Region 2, OCDM to work on the continuity of government program in the states comprising Region 2.

Richard W. Gable of the University of Southern California was elected chairman of International Section of the Los Angeles Metropolitan Chapter of the American Society for Public Administration. This is the first international section to be organized within a local chapter.

Charles D. Goff, assistant professor of political science at the University of Wisconsin-Milwaukee is on leave of absence February 1959–June 1960 to serve as research director of the Milwaukee Metropolitan Study Commission.

William Goodman is on leave from his position as professor of political science at the University of Tennessee, serving as a fulltime consultant on the staff of the Commission on Civil Rights in Washington, D. C.

J. A. C. Grant, dean of the division of social sciences at the University of California (Los Angeles) has been invited to deliver the Gaspar G. Bacon lectures on the Constitution of the United States at Boston University in October, 1959. He has also been granted a year's leave of absence from the department of political science to accept a senior research award in American governmental affairs under the auspices of the Social Science Research Council. He will pursue research on the constitutional problems of American federalism and continue his previous investigations of guild practices. The work in question will be carried on at UCLA, Harvard, and in Washington during 1959–1960.

Lowell H. Hattery of the American University has been awarded a Social Science Research Council travel grant for the summer of 1959 to attend the triennial congress of the International Institute of Administrative Sciences to be held in Wiesbaden, Germany, from August 27 to September 3. Professor Hattery will be general rapporteur for the automation sessions at the Congress. He has prepared six background papers on the subject which are to be sent to the various national sections of the Institute throughout the world for comment. The background papers with the comments will provide the basis for discussion at the Congress. In addition, Professor Hattery will attend the International Conference on Information Processing to be held in Paris in June, and the British Computer Conference to be held in Cambridge, England.

John Perry Horlacher, University of Pennsylvania, recently presided over a Labor Arbitration Conference which was held at the University of Pennsylvania. The conference was sponsored by the Wharton School of Finance and Commerce and the American Arbitration Association.

Robert H. Johnson, member of the special staff, National Security Council, is engaged in travel and study in India and Southeast Asia during 1958–59 under a Rockefeller Public Service Award.

Thomas Kewley, senior lecturer in political science at the University of Sydney served as visiting professor of political science at Colgate University during the Spring Semester.

Fred Kort of the University of Connecticut, Storrs, Connecticut has been granted a leave of absence to accept a research fellowship at the University of Chicago Law School for the academic year 1958–59.

Chao Kuo-chun, formerly with Harvard University, has been appointed visiting professor and head of East Asia Department, Indian School of International Studies, Delhi University.

Shao Chuan Leng, assistant professor, Woodrow Wilson department of foreign affairs, University of Virginia, has been appointed an associate editor of *Background on World Politics* and is to be in charge of the newly instituted section on Asia.

Heath Macquarrie was reelected to the Canadian House of Commons for the constituency of Queens (PEI) in the national election of March 1958. A former professor of political science and international relations, he served with the Canadian delegation to the Thirteenth General Assembly of the United Nations.

Duncan MacRae, Jr., of the University of Chicago, has received an auxiliary research award from the Social Science Research Council, as well as a faculty research grant for work on electronic computation in political sociology.

J. Lloyd Mecham of the University of Texas has been awarded a research leave for the spring semester of 1958–59 by the University's Research Institute.

Wallace Mendelson of The University of Texas has been awarded a research leave for the spring semester of 1958–59. Awarded by the University's research institute, the grant will enable Dr. Mendelson to complete the manuscript of a book on Justice Frankfurter.

Charles A. Micaud, associate professor in the Woodrow Wilson department of foreign affairs, University of Virginia, was visiting lecturer on European Affairs at Johns Hopkins Advanced School of International Studies in Washington during the spring term of 1959.

Hans J. Morgenthau gave in April the Albert Shaw Lectures at Johns Hopkins University under the general title "The Purpose of America." He will teach this summer at Harvard University.

Rodney L. Mott, professor of political science, director of the division of the social sciences, and a member of the faculty since 1934, has been appointed first incumbent of the Charles Evans Hughes chair of government and jurisprudence at Colgate University, it has been announced by President Everett Case.

Harding C. Noblitt served as acting editor of *Discourse: A Review of the Liberal Arts*, during the academic year 1958–59. *Discourse* is published quarterly by Concordia College, Moorhead, Minnesota, where Noblitt is professor of political science.

Norman D. Palmer, University of Pennsylvania, organized and served as chairman of a session on "Technical Assistance in Public Administration: Pakistan as a Case Study," at the Second Annual Conference on International Administration, New York, February 6, 1959, which was sponsored by the New York Metropolitan Chapter and the International Section of the American Society for Public Administration.

C. Northcote Parkinson, formerly of the University of Malaya, and author of *Parkinson's Law*, has been appointed George A. Miller visiting professor of political science and history at the University of Illinois for the first semester, 1959–1960.

George A. Peek, associate professor of political science at the University of Michigan, spent the spring semester of the academic year 1958–1959 in Washington on sabbatical leave. He is doing research on the Rules Committee of the House of Representatives as a policy-making agency.

Robert V. Presthus, professor of public administration and editor of the *Administrative Science Quarterly*, Cornell University, has received a Ford faculty fellowship for a year of study in social science at Berkeley, California. Professor Presthus participated recently in a conference on Turkish Economic Development sponsored by the Center for Middle Eastern Studies, Harvard University.

Mr. C. Rodman Porter, research associate of the Texas Research League, was serving during the spring semester of 1959 as visiting lecturer in government at the University of Texas.

Paul A. Pfretzschner of Lafayette College is serving as part-time consultant to the Bureau of Community Development in the Department of Conservation of the Commonwealth of Pennsylvania.

During the 1959 summer session Leo C. Riethmayer, University of Colorado will teach at the University of Southern California's school of public administration.

Carl Rosberg, Jr., of Boston University is visiting assistant professor of political science at the University of California (Berkeley) during the current year.

James N. Rosenau, Douglass College, Rutgers University, was awarded an international relations training fellowship by the Ford Foundation for 1958–59.

Joseph S. Roucek, chairman, departments of sociology and political science, University of Bridgeport, toured Germany last summer as the official guest of the Bonn Government. He also joined recently the editorial board of the *Journal of Human Relations* and of *Il Politico* (University of Pavia).

Justice Walter V. Schaefer of the Illinois Supreme Court gave the annual James Lecture on government at the University of Illinois, February 10, 1959. His topic was "Courts and the Commonplaces of Federalism."

Leonard Schapiro of the London School of Economics will be at Columbia University as visiting professor of government during the fall term, during John Hazard's sabbatical leave.

Karl Schmitt, assistant professor of government at the University of Texas will serve as visiting lecturer in history at the University of California at Los Angeles during the summer session of 1959.

Dwight J. Simpson, assistant professor of political science at Williams College has received a Social Science Research Council grant for study at the Near and Middle East Institute at Columbia University during the summer of 1959.

J. David Singer has been reappointed visiting assistant professor of political science at the University of Michigan for the academic year 1959–60.

Frank J. Sorauf, of the Pennsylvania State University, has been granted leave the second semester to conduct research under a grant for research in state politics from the Social Science Research Council.

George W. Spicer, is serving as consultant to the Commission on Civil Rights. He was on partial leave from the University of Virginia during the spring semester. He will teach at the summer session of the University of Buffalo as visiting professor in the department of history and government.

Paul G. Steinbicker, chairman of the government department of St. Louis University, has been elected president of the Missouri Political Science Association for the year 1958–1959.

Richard N. Swift, associate professor at New York University, has been appointed visiting lecturer in political science at Yale University for the academic year 1958–59.

John S. Vanderoef from Princeton University will be lecturer in the political science department at Florida State University for the Spring Semester 1959.

John A. Vieg, professor of government at the Claremont Graduate School, was visiting research professor of political science at the University of California (Berkeley) during the past year. He is doing research on the role of pressure groups in California state politics.

John C. Wahlke of Vanderbilt University was visiting associate professor of political science at the University of California (Berkeley) during the 1958–59 academic year.

Myron Weiner of the department of political science at the University of Chicago has been appointed assistant editor of the *Journal of Asian Studies*. He will be in charge of South Asian articles submitted to the journal.

Lloyd M. Wells, associate professor, department of political science, school of business and public administration, University of Missouri, succeeds W. W. Kaempfer, formerly of Southern Methodist University, now of the University of Alabama, as an associate editor in charge of public administration on the staff of *Background on World Politics*.

York Willbern, professor of government and director of the bureau of government research at Indiana University, was a visiting lecturer in the department of political science at the University of Mississippi from April 20–24.

Quincy Wright, professor of foreign affairs at the University of Virginia, will lecture at the Hague Academy of International Law, August 3–21, 1959. This is the thirtieth year of the program's inception.

Ronald J. Yalem was appointed visiting assistant professor of political science at the University of Missouri for the second semester, 1958–1959.

APPOINTMENTS AND STAFF CHANGES

Emile B. Ader has been promoted from associate professor to professor of political science at the University of Tulsa. He will be on leave of absence from July 1 to January 1 to serve as consultant in International Relations at the Naval War College.

Fred T. Bent has accepted a position as associate professor of public administration in the graduate school of business and public administration, Cornell University.

Eugene L. Burdick has been promoted to

the rank of associate professor at the University of California.

Fred G. Burke has been promoted to the rank of associate professor of political science at Ohio Wesleyan University. Professor Burke will serve, also, as director of the Ben A. Arneson Institute of Practical Politics.

David Calleo of Yale University has accepted an appointment as instructor in the department of political science at Brown University beginning next September.

H. Dicken Cherry, director, center for foreign service studies, Baylor University, has been named to the post of editor of *Background on World Politics*. He succeeds Henry C. Bush, the founder of the journal.

Lynn W. Eley has been appointed associate director of the university extension service and associate professor of political science at the University of Michigan. He formerly was supervisor of the Lansing office of the University's institute of public administration.

John H. Ferguson, having resigned as Secretary of Administration and Budget of the Commonwealth of Pennsylvania, has returned to the Pennsylvania State University.

C. Dale Fuller has resigned as director of the Social Science Foundation and chairman of the department of international relations at the University of Denver to become vice president of the Foreign Policy Association. He took up his new duties in New York City on May 1, 1959.

Ernst B. Haas has been promoted to the rank of associate professor at the University of California.

Ken Hechler, formerly a member of the department of political science at Marshall College was formally sworn in as a Democratic member of the House of Representatives representing the 4th District in West Virginia. This seat has been held for three terms by a former member of the department, M. G. Burnside.

C. J. Hein, visiting professor at West Virginia University during the 1958–59 academic year, has accepted a research appointment in Washington, D. C., from the United States Department of Agriculture. He will work in the Taxation and Local Government section of the Farm Economics Research Division.

Gilbert O. Hourtoule, assistant professor of government and law and a member of the faculty of Lafayette College since 1958, was appointed assistant dean of the college effective August 1958.

J. Woodford Howard, Jr., of Princeton University, has been appointed instructor in government and law at Lafayette College.

Samuel P. Huntington has been added to the staff of Columbia University as an associate professor of government. For the next two years, he will devote two-thirds of his time to research under the Institute of War and Peace Studies, and one-third to teaching.

Carl Leiden has resigned his position as associate professor at Marshall College to accept a position at American University in Cairo, Egypt. During the summer he will do research in London.

Milton R. Merrill, head of the department of political science at Utah State University, Logan, Utah, has been named vice-president of the institution.

Glenn G. Morgan has been appointed assistant professor of political science at San Jose State College beginning in the fall of 1959.

Donald C. Mundinger, has been appointed assistant professor of government in the department of government at Valparaiso University.

Robert G. Neumann, currently acting director of the Institute for International and Foreign studies at the University of California (Los Angeles), has accepted an appointment as director of the Institute.

Robert North and Nobutaka Ike have been appointed associate professors in the department of political science at Stanford University. Dr. North will continue to serve as research associate in the Hoover Institution, and as staff officer to the University's Committee on International Studies. Dr. Ike, who is on research leave with a grant from the University's Committee on East-Asian Research, will continue to serve as curator to the Japanese collection of the Hoover Institution in addition to his duties in the department of political science.

Edward Padgett who was appointed last fall as acting assistant professor of political science to take the place of George Willis, who was given leave of absence for the year, has accepted a permanent appointment to the University of Cincinnati as associate professor of political science. Professor Willis is resigning from the staff of the political science department to continue his work as a member of the Board of Elections of Hamilton County and as executive director of the Hamilton County Democratic party organization.

Richard L. Park of the University of California (Berkeley) has accepted a position as associate professor of political science at the University of Michigan.

Julius Paul, associate professor in the government department at Southern Illinois University, will join the department of political science at Wayne State University as associate professor in September.

Melvin Richter was promoted to the rank of assistant professor of political science at Hunter College as of January 1, 1959.

James A. Riedel, has been appointed chairman of the government department at Union College to replace Douglas Campbell in that post. Campbell's illness will not prevent his continued teaching with a reduced load.

John P. Roche, professor of politics and dean of the faculty at Brandeis University, has been named the first incumbent of the Morris Hillquit Chair in American Legal and Social Thought, established in memory of the great American socialist and civil libertarian.

Paul Seabury has been promoted to the rank of associate professor of political science at the University of California.

Kurt Steiner of Stanford University has been promoted to associate professor of political science.

Roger Swearingen of the University of Southern California will be at Columbia University during the fall term, as visiting professor of government, taking James William Morley's place while the latter is on leave.

Helen Shirley Thomas has been appointed an instructor in political science at Goucher College beginning September 1959.

Norman Thomas of Princeton University has been appointed instructor of political science at the University of Michigan.

Cecil Van Crabb, Jr., has been promoted to associate professor at Vassar College.

Sheldon S. Wolin has been promoted to the rank of associate professor at the University of California.

IN MEMORIAM

Cecil H. Driver, professor of political science at Yale University, died in his sleep on October 19, 1958, in his apartment in New Haven. He was 58. Except for his father and a brother in England, he left no survivors, his wife having died two years earlier; they had no children. For the last several years of his life he had been ill as a result of two heart attacks in as many years. He had, however, resumed some teaching in the Fall; and while he was very far from the old robust figure whose wit, pungency, and humor made him one of Yale's most popular and respected teachers for over two decades, his sudden death came as a surprise and shock to his colleagues and students.

A native of England, Professor Driver was born in Bedfordshire, grew up in Norfolk, won a grammar school scholarship, served as a physical training instructor in the British Army, and then, after the First World War, entered King's College of the University of London, from which he received first class honors upon his graduation in 1922. He was a lecturer in constitutional history at his alma mater, and in 1932, he accepted a Rockefeller Traveling Fellowship that brought him to the United States. Here among other universities he visited Yale. This was the initiation of the long and devoted service at Yale that marked the remainder of his life. He came to Yale as an associate professor of government in 1935, was promoted to the rank of professor in 1947, became director of graduate studies in 1953, and chairman of the department in 1955. A year later he had the first of the heart attacks that ultimately carried him off.

Although he was wont to say that he rarely read any work, no matter how poor, from which he did not learn something, he was severe in the standards he set for himself and his students. Doubtless he was too severe; for though brilliant and erudite, with a superb style in written as well as in oral prose, he wrote little. Discerning readers of his essays on

Locke, Mably and Morelly, Godwin, Hodgskin, Bagehot and others in various volumes of the well-known series edited by F. J. C. Hearnshaw will remember the lucidity, penetration and skill of the author. His major work, *Tory Radical*, a study of the English Tory reformer Richard Oastler, was, characteristically, not merely a biography of a man but an analysis of a whole historical period.

There have been few teachers more dedicated or more accomplished. Thousands of undergraduates at Yale during the last quarter century, and virtually all of the graduate students, will never forget his courses, whether these were lectures to four hundred or seminars for ten. He was famous with undergraduates. He had such enormous style that he was often likened to the two modern Englishmen he most nearly worshipped, Disraeli and Churchill. He would probably not mind having as his epitaph some comments on him that appeared a few years ago in the undergraudate newspaper: "Aggressive, subtle, urgent, he stands on the rostrum lecturing as though he were trying to persuade an inert Parliament to rush off on a crusade. Initially his audience is disposed to eye him suspiciously, as if he were an unplugged hand-grenade that might pop off at any minute. But he seldom fails to arouse his classes to their feet at the conclusion of his courses, an achievement which puzzles him somewhat (though not too much), annoys him a little, yet perhaps pleases him more than he cares to let on."

ROBERT A. DAHL

William Henry Edwards, chairman and professor of the social science department at the State University of New York Teachers College at Brockport, died on February 5, 1959, of a heart attack.

Dr. Edwards received his B.A., M.A., and Ph.D. degrees from Ohio State University, and did additional study at the Universities of Wisconsin, Minnesota, Chicago, and the Brookings Graduate School under a George Eastman Fellowship.

Prior to his appointment at Brockport, he taught at the University of North Dakota, Sweetbriar College, State Teachers College at River Falls, Wisconsin, New Mexico State College of A and M, and during various summer sessions at New York University. From 1946 to 1947, Dr. Edwards represented the United States as a visiting professor of politics and public administration at the University of Madras, India.

Dr. Edwards was a member of the American Political Science Association; American Society for Public Administration; American Association of University Professors; New York State Political Science Association (past President); the National Municipal League; and was a former editor of the *Southwest Social Science Quarterly*. He was an active leader in the Citizenship Clearing House and was project chairman of the Up-State Office in Albany. He was an adviser to Governor Harriman's committee on the revision of the New York state constitution. Dr. Edwards was the author of various texts and articles.

DONALD J. MCWHERTER
Social Science Department

Geddes William Rutherford, associate professor of political science at Queens College, Flushing, New York, died on December 22, 1958. He had been a member of the Queens College faculty since 1946.

Professor Rutherford was born on October 29, 1892 in Toronto, Canada. He received his Bachelor of Arts degree from the University of Missouri in 1913, his Master of Arts degree from Harvard University in 1916 and his Doctor of Philosophy degree from American University in 1946.

Dr. Rutherford, a known scholar in the field of public administration, previously taught at Grinnell College, Iowa, Iowa State College, the University of Kansas, Washington University of St. Louis and Howard University. At Howard University, he was associated on the faculty of political science with Dr. Ralph J. Bunche, Under Secretary-General of the United Nations.

Professor Rutherford wrote numerous articles in the field of public administration for many learned journals, including the *American Journal of International Law* and the *American Political Science Review*. From 1941–42, he was a consultant with the United States Bureau of the Budget.

Among the honors which Professor Rutherford received was a Harvard University Scholarship in 1914 and membership in Phi Kappa Phi, honorary scholastic society.

At Queens College, Professor Rutherford taught courses in public administration, state and local government, municipal management and political theory.

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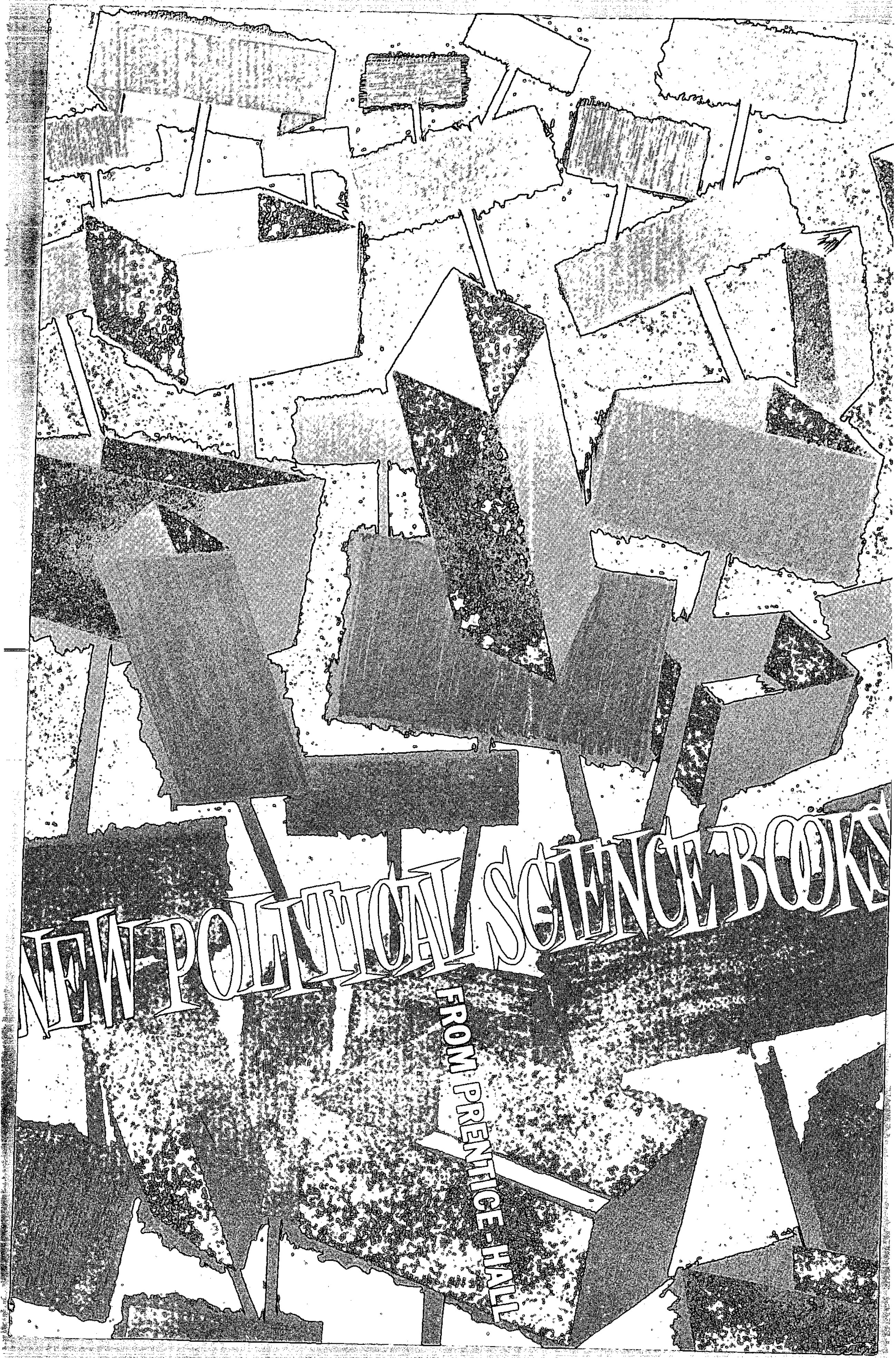
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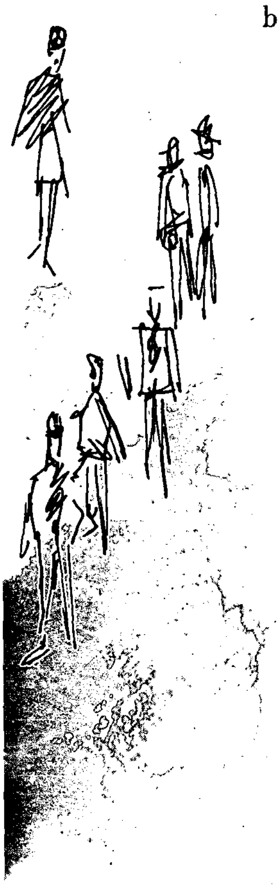

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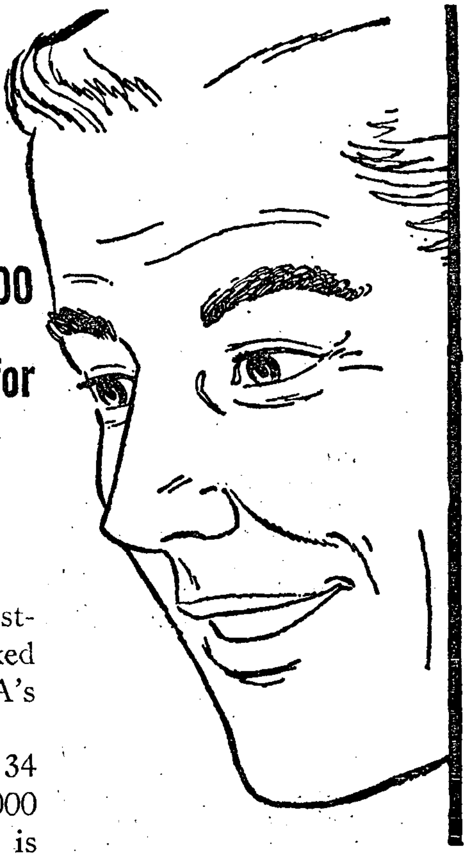

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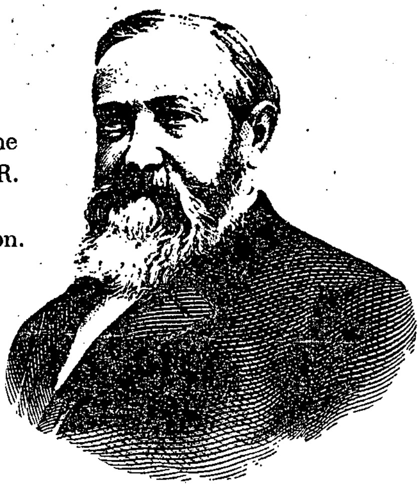

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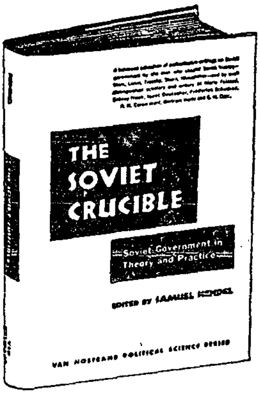
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